

Commonwealth.

(2)

Montgomery Marshall

Wm H. Putner Jr.

George Burgess.

~~John A. Gates~~

Henry J. Ryman

John W. Sheets.

L. J. Bear.

Alberta Coffman

~~Robert A. Harrison~~

David R. Miller

John Shader

~~David G. Felick~~

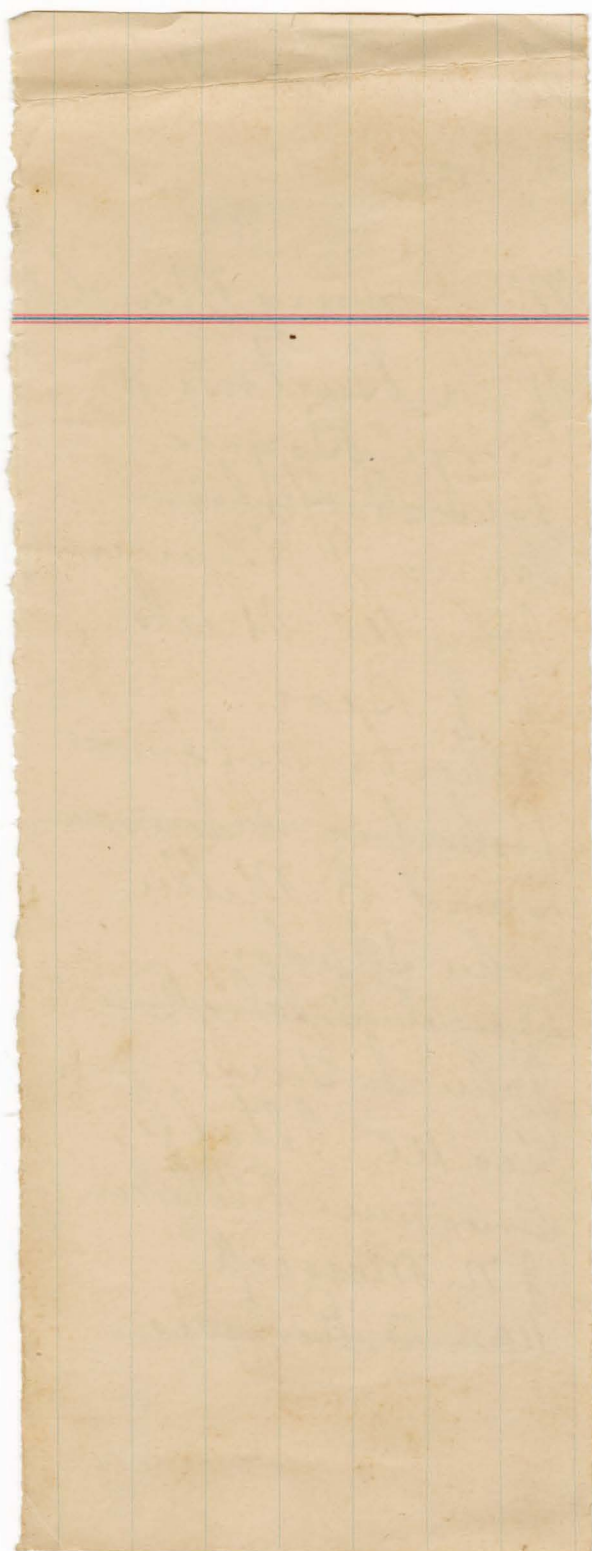
John S. Garber

Geo. W. Attaffer

Erasmus Fletcher.

J. N. Messick

~~Wm D. Rodgers~~



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon

*J. G. H. Miller T. K.*  
*Hausberger J. T. Burner Andrew Shifflett*  
*Robert Shifflett*

to appear before the Judge of the County Court of Rockingham County, at the Court-House,  
~~on the~~ day of the *fourteenth* Court next, being the day of

*18*, to show cause if any *they* can, why *they* should  
not be fined and attached for *their* contempt to us offered, in failing to attend the said  
Court at the *December* Term ~~last~~, as a witness on behalf of *Montgomery*  
*Marshall ad. The Commonwealth*

And have then and there this Writ. Witness,

*J. S. Messerley* Clerk  
of our said Court, at the Court House, the *21st* day of *December* 189*2*,  
and in the 11<sup>*7*</sup>th year of the Commonwealth.

*J. S. Messerley* CLERK.



Montgomery Marshall

ads. } Rule

105

The Commonwealth

J. G. H. Miller  
F. K. Hausberger  
J. D. Burner  
Andrew Shifflett.  
Robert Shifflett.

Forthwith.

Execute the within summons as to  
J. G. H. Miller J. K. Hausberger and  
J. D. Burner by delivering a true copy  
in person, Andrew Shifflett and  
Robert Shifflett not found, Dec. 1892  
given under my hand this 22 day of Dec. 1892  
J. M. Coffman & R. C.



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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 Twenty 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 offence 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 Court House, on the Thir'd day of the December Court next, being the 21<sup>st</sup> day of December 1892 to serve as Jurors upon the trial of Montgomery Marshall 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. Misserley, Clerk of our said Court, at the Court House, the 7<sup>th</sup> day of December, 1892, and in the 117 th year of the Commonwealth.

J. S. Misserley Clerk.

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Circular Dec 27 1892 By delivery at the  
 City of the within summing up A. J. Star, <sup>John W. Shell</sup> ~~James~~  
 O. Miller Van H. Buntzen & Edward W. Meddall  
 James O. Webb not farmer, to her O. Van Star  
 out of the State  
 Circular Dec 19/92 by sum. J. A. Nechols Diff  
 among horse. Boyce, David, J. J. A. Nechols  
 J. B. Boyce, Robert O. Hammond, for U. S. Court  
 Henry. S. Rogers and J. John W. Shell  
 (paid) C. P. W. Hamilton diff for W. H. Van S. R. C.

Commonwealth  
 @ } Senior Justice  
 Montgomery Marshall

To the 3<sup>d</sup> day of  
December let being  
December 21, 1892,

Greenleaf Dec. 12. 4/1872 on N. B. Rogers  
Abner Boston, John Shadrach, David  
W. C. Smith, John S. Carter,  
M. H. Woodcock

For Mr. Peacock  
Oct 18 1840



## 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 *Montgomery Marshall* charged with felony, set for the *3* day of the *December* Term, 18*92*, of the County Court of the County aforesaid, being the *21<sup>st</sup>* day of *December*, 18*92*.

*James F. Meff* c.  
*Jacob Shultz* L.  
*Wm H. Buntner Jr.* c.  
*A. B. Lago* a  
*George Rogers* L.  
*John A. Yates* P.  
*Charles T. Van Sear* a,  
*Henry J. Ryman* L.  
*John H. Sheets* c  
*a J. Bear* c  
*Alberta Coffman* a

*Robert A. Hamison* L.  
*David F. Miller* c.  
*John Spader* a.  
*Hilson Harper* P.  
*Edward H. Heathole* c.  
*W. J. Leon J. B. D. Rhodes* L.  
*David G. Leitch* a  
*John S. Garber* a.  
*J. B. Myers* L.

*Geo. E. Crutten*  
County Judge





IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon Three 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 offence 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 Court House, on the 3<sup>rd</sup> day of this December Court ~~next~~, being the 21<sup>st</sup> day of December 1892 to serve as Jurors upon the trial of Montgomery Marshall 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 21<sup>st</sup> day of December, 1892, and in the 117<sup>th</sup> year of the Commonwealth.

J. S. Messuley Clerk.

Entered Dec 21/92 By Attorney Geo W. Waller  
Examiner of Deeds J. H. Merrick

J. C. Nicholas Deft  
vs V. H. Horn & Co

Commonwealth.

vs  
J. C. Nicholas  
Montgomery Marshall

Forthwith.



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## To the Sheriff of Rockingham County.

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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 *Montgomery Marshall* charged with felony, set for this *3<sup>rd</sup>* day of the *December* Term, 18*92*, of the County Court of the County aforesaid, being the *21<sup>st</sup>* day of *December*, 18*92*.

*Geo. W. Altaffer*  
*Erasmus Fletcher*

*J. N. Messick*

*Geo. Kuttner*

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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 *Twenty* 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 offence 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 Court House, *on the* *Fourth* *with* day of the

~~Court next, being the~~ day of 188  
to serve as Jurors upon the trial of *Montgomery Marshall*  
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. Messerley*, Clerk of our said Court, at the Court House, the *21st* day of *December*, 18*92*, and in the 11*7*th year of the Commonwealth.

*J. S. Messerley* Clerk.



Entered & CC 211792 By Summary, within  
the  
named parties on the list that was furnished  
by the Court  
J. A. Nicholas Ditt  
for V. H. Lane & Co

Commonwealth.  
of Louis Racias  
Montgomery Marshall

Forfeiture.

## 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 Venire-

men summoned by you to serve as Jurors upon the trial of Montgomery Marshall charged with felony, set for this 3<sup>rd</sup> day of the December

Term, 1892, of the County Court of the County aforesaid, being the 21<sup>st</sup> day of December, 1892.

Wm H Burtner Jr  
George Byers  
John A. Bates  
Henry J. Rymann  
John W. Sheets  
A. J. Bear  
Alberta Leggman  
Robert A. Scamison  
David F. Miller  
John Shader

Wm D. Rodgers.  
David G. Flicht.  
John S. Garber  
Geo. W. Blaffer  
Erasmus Fletcher  
J. N. Messick.  
Martin B. Lineweaver.  
R. S. Brown  
William H. Davis  
Henry C. Ott.  
Geo. E. Patton

The undersigned  
 do hereby certify  
 that the within  
 is a true and  
 correct copy of  
 the original  
 as the same  
 appears in the  
 records of the  
 County of  
 Washington  
 D.C.  
 at the City of  
 Washington  
 this 10th day of  
 March 1881  
 J. Edgar Hoover  
 Clerk of the Court

The undersigned do hereby certify that the within is a true and correct copy of the original as the same appears in the records of the County of Washington D.C. at the City of Washington this 10th day of March 1881 J. Edgar Hoover Clerk of the Court

To the Honorable of Washington County



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon *Calvin Eppard*

to appear before the Judge of the County Court of Rockingham County, at the Court-House,  
on the *3<sup>d</sup>* day of the *December* Court next, being the *21<sup>st</sup>* day of  
*December* 1892, to show cause if any *he* can, why *he* should  
not be fined and attached for *his* contempt to us offered, in failing to attend the said  
Court at the *November* Term last, as a witness on behalf of *The*  
*Commonwealth* @ *Montgomery Marshall*

And have then and there this Writ. Witness,

*J. S. Messerley* Clerk  
of our said Court, at the Court House, the *10<sup>th</sup>* day of *December* 1892,  
and in the 11<sup>th</sup> year of the Commonwealth.

*J. S. Messerley* CLERK.

Served on behalf of Eppard December 15, 1892 as  
person.  
R. T. Bennett,  
Supt. for W. H. Lamm, D.C.

Commonwealth  
of Rule 1 + 1  
Montgomery Marshall

Calvin Eppard 15

To 3<sup>rd</sup> day of Dec 1892  
being Dec 21.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*Samuel Hall*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10  
o'clock, a. m. on the *3<sup>rd</sup>* day of the *December* Court next, being the *21* day of  
*December* 189*2*, to testify and the truth to say in behalf of the Commonwealth against

*Montgomery Marshall*

who stands charged with and indicted for

*Delny*

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

*15<sup>th</sup>* day of *December*, 189*2*, and in the *11*th year of the Commonwealth.

*J. Messerley*, Clerk.



Served on Samuel Hall. in person

December 16, 1892.

C. A. Samuels,  
Deputy for W. V. Lewis, S. R. C.

Commonwealth.

© } 1891  
Spa

Montgomery Marshall

Samuel Hall

To 3rd day of Dec At  
being Dec. 21. 1892

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:

You are hereby commanded to summon Charles Davis Sally  
Shifflett Robert Morris Charles Roach Alexander  
Haney and Alexander Myant.

to appear before the Judge of the County Court of Rockingham County, at the Court-House,  
on the 3<sup>rd</sup> day of the December Court next, being the 2<sup>nd</sup> day of  
December 1892, to show cause if any they can, why they should  
not be fined and attached for their contempt to us offered, in failing to attend the said  
Court at the November Term last, as a witness on behalf of The  
~~Commonwealth~~ Montgomery Marshall  
ads The Commonwealth

And have then and there this Writ. Witness, J. S. Messerley Clerk  
of our said Court, at the Court House, the 1<sup>st</sup> day of December 1892,  
and in the 11<sup>th</sup> year of the Commonwealth.

J. S. Messerley CLERK.

Montgomery Marshall  
186  
ads } Rules.  
The Commonwealth.

Charles Davis  
Jally Shifflett  
Robert Morris  
Charles Roach  
Alexander Haney  
Alexander Hyant.

To 3<sup>rd</sup> day of Dec. 1892.  
being Dec. 21. 1892.

Executed December 16, 1892, as to Chas. Davis, Robt.  
Morris, Chas. Roach and Alexander Hyant each in  
person, and as to Jally Shifflett & Alexander Haney by  
delivering a copy of this will and giving information of  
its purport to each member of each of their families they  
not being present at their several places of abode.

P. D. Connolly,  
Notary for Richmond, Va.



In the Name of the Commonwealth of Virginia,

To the Sheriff of Rockingham County--Greeting:

You are hereby commanded to summon *John W. Morris, D. N.,*  
*Harnsberger, J. L. H. Miller, Calvin Eckhard,*  
*Andrew Shifflett, Jared Shifflett,*  
*John A. Herring, Emanuel Lawson Sr.,*  
*Emanuel Lawson Jr., J. P. Berner,*  
to appear before the Judge of the County Court of Rockingham County, at the Court-House on  
the *3<sup>rd</sup>* day of the *December* Court next, being the *21<sup>st</sup>* day of *December*  
1892, to testify and the trnth to say on behalf of *Montgomery Marshall,*

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

*The Commonwealth* Plaintiff,  
and *Montgomery Marshall,* 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 *10<sup>th</sup>* day of *December* 1892, and in the 11<sup>th</sup> year of the  
Commonwealth.

*J. S. Messerley* Clerk.

Accounted December 12<sup>th</sup> 1892 as to each of the named  
parties except Andrew Shifflett & John A. Vining  
who are not found.

R. S. Bennett  
Depty. for W. L. Davis, S. C. C.

Montgomery Marshall  
ads. } Spad. 1078

The Commonwealth

John W. Morris 12 p.  
Thos. H. Hausberger 12 p.  
J. Geo. H. Miller 12 p.  
Calvin Ephard 15  
Andrew Shifflett  
Jared Shifflett 13  
John A. Vining  
Emanuel Larson Jr.  
Emanuel Larson Jr.  
J. D. Burnes 12 p.

To 3<sup>rd</sup> day of Dec<sup>r</sup>. let.  
being Dec<sup>r</sup>. 21, 1892



State of Virginia - Rockingham County - To wit -  
To any one or all of the Constables of the said  
County -

Whereas A. G. Baughen has this day made com-  
plaint and information on oath before one A.  
C. Rohr a Justice of the Peace in and for the said  
County that Montgomery Marshal on the 7<sup>th</sup> day of  
May in the year 1892 in the said County  
did wilfully, deliberately, premeditatedly, felo-  
niously and of his malice aforethought attempt  
to commit the Crime of murder, by then and  
there wilfully, deliberately, premeditatedly, felonious-  
ly and of his malice aforethought attempting to  
kill and murder him the said A. G. Baughen,  
and that he the said Montgomery Marshal then  
and there in his said attempt to commit the fel-  
ony and Murder aforesaid him the said A.  
G. Baughen did wilfully, deliberately, premedita-  
tedly, feloniously and of his malice aforethought  
~~did~~ assault, and shoot and beat over the head  
with a gun, with intent him the said A. G. Baugh-  
en to Kill and Murder - But in his said attempt  
to commit the felony and murder aforesaid  
he the said Montgomery Marshal did not suc-  
ceed - These are therefore to command you  
in the name of the Commonwealth of Virginia  
to forthwith apprehend the said Montgomery Mar-  
shal, and to bring him before me or some  
other Justice of the Peace in and for said County



to answer the said Complaint and to be further  
dealt with according to law -

Given under my hand and seal this 20<sup>th</sup> day  
of May 1892 - A. C. Rohr J.P. Seal

Case heard this 10<sup>th</sup> day of June 1892 and Mont-  
gomery Marshal the prisoner sent on to the  
County Court to await the action of the  
Grand Jury - Given under my hand  
and seal this 10<sup>th</sup> day of June 1892 -

G. W. Shusser J. P. Seal

Commonwealth

vs

Montgomery Marshall

Executed the within  
Warrant by delivering

Montgomery Marshall before  
G. W. Shusser J. P. given  
under my hand this  
3 day of June 1892

J. W. Coffman C. R. C.

Continued to Prob.  
June 10.

~~Filed June 10~~

A. C. Rohr  
J. W. Coffman  
J. P. Rohr

Filed June 20. 1892  
J. S. Messenger  
Clerk



Commonwealth.

Montgomery Marshall. &c.

} upon an Indictment

This day came the Attorney for the Commonwealth and the defendant in discharge of his recognizance entered into at the November Term last of this Court.

Whereupon the Veniemen summoned for his trial were called, Thirteen appeared were examined by the Court on their voir dire and found to be duly qualified <sup>jurors</sup> and free from exceptions viz: - Wm. H. Butner Jr. George Rogers John B. Gates Henry J. Ryman John M. Sheets H. J. Bear Albert A. Coffman Robert A. Harrison David F. Miller John Spader David G. Leitch John S. Garber and Isaac D. Myers, and thereupon the Court ordered the clerk to issue a Venue Facias to the Sheriff of this County directed Commanding him to summon three additional Veniemen from a list to be furnished by the Court returnable forthwith, which was done accordingly, and the following three viz: - Geo. W. Altaffer Erasmus Fletcher & N. Messitt appeared were examined by the Court on their voir dire and found to be duly qualified <sup>jurors</sup> and free from exceptions the panel of sixteen being thus selected the prisoner was furnished a list thereof, and having stricken therefrom

jurors -







and thereupon the prisoner tendered a special plea  
of ~~autrefois acquit~~ which plea the Court on motion of the  
Commonwealth's Attorney as insufficient in law to which  
action of the Court the prisoner & the counsel excepted

of the said Isaac B. Myers. <sup>to which action</sup> ~~to which action~~  
of the Court the prisoner by Counsel objected  
and excepted thereto. And thereupon the  
Commonwealth's Attorney moved the Court  
to discharge <sup>the jurors</sup> ~~the jury~~ thus Constituted and sworn  
which motion the Court upon Consideration sustained  
and discharged <sup>all</sup> the said ~~jury~~ <sup>jurors</sup> and ordered the Clerk  
to issue a New Venue Facias to the Sheriff of Rockingham  
County directed Commanding him to summon twenty  
persons from a list to be furnished by the Court setting  
returnable forthwith which was done accordingly\* and  
the following panel of sixteen upon being examined by  
the Court on their ~~voir dire~~ <sup>voir dire</sup> were found to be duly  
qualified <sup>jurors</sup> and free from exceptions viz: Wm. H. Burtner Jr.  
George Boyce. John A. Gates Henry J. Ryan. John W. Sheets.  
A. J. Bear. Alberta Coffman. Robert A. Harrison David F. Miller  
John Shader David G. Leitch John S. Garker. George W. Blaffer  
Erasmus Fletcher J. N. Messick and Wm. D. Rodgers. whereupon  
the prisoner was furnished a list thereof and having  
stricken therefrom the names of four of the persons of  
said panel. viz: John A. Gates Robert A. Harrison. David G.  
Leitch and Wm. D. Rodgers. the remaining twelve of said  
panel. viz: Wm. H. Burtner Jr. George Boyce. Henry J. Ryan. John  
W. Sheets A. J. Bear Alberta Coffman David F. Miller John Shader  
John S. Garker George W. Blaffer Erasmus Fletcher J. N. Messick  
were selected to constitute the jury ~~(to which action of the~~  
~~Court the prisoner excepted)~~ who being thus elected tried and  
sworn well and truly to try and true deliverance make



✓ between the Commonwealth and the prisoner at the bar and a  
true verdict rendered according to the evidence, and having  
received their charge from the Court, but not having time  
fully to hear the evidence were adjourned, until tomorrow  
morning at 9½ O'clock, and were placed in charge of

Commonwealth

C. J. Order.

Montgomery Marshall.



State of Virginia -

Rockingham County - To wit -

To J. M. Coffman Constable of said County, and  
to W. H. Lam Sheriff of said County the Keeper of the Jail  
of said County -

These are to command you the said Constable in  
the name of the Commonwealth of Virginia, forthwith to con-  
vey and deliver into the Custody of the Keeper of the said Jail  
together with this warrant the body of Montgomery Mar-  
shall charged before ~~me~~ G. W. Stusser a Justice of the  
said County on the oath of A. G. Bangler so sworn with  
a felony by him committed, in this, that the said Mont-  
gomery Marshall on the 7<sup>th</sup> day of May in the year  
1892 in the said County did wilfully deliberately  
premeditatedly, feloniously and of his malice afore-  
thought attempt to commit the Crime of Murder  
by him and there wilfully deliberately premeditatedly  
feloniously and of his malice aforethought attempt  
to kill and murder him the said A. G. Bangler and that  
he the said Montgomery Marshall then & there in his  
said attempt to commit the felony and Murder afore-  
said him the said A. G. Bangler did wilfully deliberately  
premeditatedly feloniously and of his malice aforethought  
Assault and shoot and beat over the head with a gun  
with intent him the said A. G. Bangler to kill & murder.  
But in his said attempt to commit the felony and Murder  
aforesaid he the said Montgomery Marshall did not suc-  
ceed - And you the said Keeper of the said Jail are  
hereby required to receive the said Montgomery Marshall  
into your Jail & Custody, that he may be tried for the said  
offence by the County Court of the said County, and him  
there safely keep until he shall be discharged by due  
course of law - Given under my hand this 10<sup>th</sup> day of  
June 1892

G. W. Stusser. J. P. Dial



Conjunctors with  
of Connecticut  
Montgomery  
Macchall

Filed June 10/92  
J. H. Macchall  
bank



State of Virginia - Rockingham County - To wit -

In the County Court of the said County -

The Jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending the said Court - Upon their oath present - That Montgomery Marshall on the 7<sup>th</sup> day of May in the year 1892, in the said County, did wilfully, deliberately, premeditatedly, feloniously and of his malice aforethought - attempt - to commit the crime of murder, by him and those wilfully, deliberately, premeditatedly, feloniously and of his malice aforethought - attempting to kill and murder one A. G. Banghur -

And that he the said Montgomery Marshall him and those in his said attempt, to commit the felony and murder aforesaid, him the said A. G. Banghur did unlawfully, wilfully, deliberately, premeditatedly, feloniously and of his malice aforethought - assault; and then and there him the said A. G. Banghur did unlawfully, wilfully, deliberately, premeditatedly, feloniously, and of his malice aforethought - strike, beat, bruise, shoot and wound, with intent then and there him the said A. G. Banghur unlawfully, wilfully, deliberately, premeditatedly, feloniously and of his malice aforethought - to kill and murder - But in his said attempt, to commit the crime of murder aforesaid, he the said Montgomery Marshall did not succeed in committing the same Against the peace and dignity of the Commonwealth of Virginia - This indictment is found on the testimony of A. G. Banghur, Fox Banghur and Asa Banghur witnesses sworn in Court and sent before the Grand Jury to give evidence -



We the jury find the prisoner <sup>Must going</sup> Marshall not guilty of Maliciously striking  
beating <sup>striking</sup> & wounding J. G. Baughner  
with intent by in the said J. G. Baughner  
to Kill as charged in the Indictment  
but guilty of unlawfully striking, beating  
& wounding & wounding the said  
J. G. Baughner with intent him the said J.  
G. Baughner to Kill in manner and form  
as charged in the Indictment and  
ascertain the term of his confinement in  
the County Jail at one month and  
ascertain the amount of his fine at Five hundred  
dollars /

David H. Miller Foreman

Commonwealth  
vs Indictment  
Manslaughter

For Attempt to  
Commit the Crime  
of Murder

A true bill  
John A. Herring.  
Foreman