
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 D. J. Rumm, charged with felony, set for this 3rd day of this March Term, 1900, of the County Court of the County aforesaid, being the 21st day of March 1900, 18.....

H. M. Logan

Charles D. Whitener

Geo. E. Sutton

TO THE SHERIFF OF ROCKINGHAM COUNTY

The following list of names of the County of Rockingham, North Carolina, is hereby returned to you as being the names of the persons who are entitled to vote in the election to be held on the 1st day of November next, in the County of Rockingham, North Carolina, and who are entitled to vote in the election to be held on the 1st day of November next, in the County of Rockingham, North Carolina, and who are entitled to vote in the election to be held on the 1st day of November next, in the County of Rockingham, North Carolina.

From the County of Rockingham, North Carolina, the following names are returned to you as being the names of the persons who are entitled to vote in the election to be held on the 1st day of November next, in the County of Rockingham, North Carolina, and who are entitled to vote in the election to be held on the 1st day of November next, in the County of Rockingham, North Carolina.

A. M. [Signature]
[Signature]
[Signature]

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 D. F. Rimmer

for the 2nd day of the March Term, 1900, of the County

Court of the County aforesaid, being the 20 day of March, 1900.

- x William A. Leap S.
- George Pearce S.
- Wilson L. Harber S.
- Henry H. Kickle S.
- ✓ John L. Hooke S.
- ✓ E. M. Stickley S.
- M. M. Sellers S.
- Peter Pearce S.
- ✓ B. F. Reubush S.
- ✓ John J. Meatur S.
- ✓ D. H. Weaver S.

- Peter Roller S.
- Saml. F. Wagner S.
- George Lumbos S.
- Robert H. Coffman S.
- Harvey Evans S.
- John L. McLean S.
- L. B. Meyerhoeffer S.
- G. Whit. Borchers S.

Geo. E. Cattan

TO THE SHERIFF OF BIRMINGHAM CITY

Faint, illegible text, possibly a list or account, covering the majority of the page.

Small, illegible text at the bottom center of the page.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon *John Le Rader Medford F. Spitzer*

to appear before the Judge of the County Court of Rockingham County, at the Court-House,
on the day of the Fourth Court next, being the day of
18 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 this March Term ~~last~~, as a witness on behalf of D. F. Rumon

And have then and there this Writ. Witness, J. S. Messerley Clerk
of our said Court, at the Court House, the 21st day of March 1900 18
and in the 12th year of the Commonwealth.

J. S. Messerley CLERK.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY--GREETING:

You are hereby commanded to summon *Adam Keamer David Neff*
Willie Neff R. F. Nair. Dand Runni of Abraham Charles
Fadley, R. H. Spitzer Martin Foyle Mrs. Bettie Ludholty
Joseph Menger John Turner
to appear before the Judge of the County Court of Rockingham County, at the Court-House,
on the *3rd* day of this *March* Court next, being the *21st* day of
March 1900, 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 this *March* Term ~~last~~, as a witness ^{es} on behalf of *D. J.*
Runni

And have then and there this Writ. Witness, *J. S. Messerley* Clerk
of our said Court, at the Court House, the *20th* day of *March* 1900,
and in the *124th* year of the Commonwealth.

J. S. Messerley CLERK.

D. F. Rumor

ads. } Rules.

1811

Commonwealth.

Adam Pleasner

David Neff x

Willie Neff x

R. J. Nair

David Rumor of Abraham

Charles Tradeley S. C.

Ed. Spitzer +

Martin Jogle x

Mrs. Bettie Landholtz

Joseph Wagner

John Turner

To. In day of Market
being March 21. 1900

Let the within named Adam Pleasner
David Neff Willie Neff R. J. Nair David Rumor
Charles Tradeley Martin Jogle
Mrs. Bettie Landholtz
John Turner the 21st day of
March 1900
H. J. Mottley Deput for J. A. Lantz & Co.

D. F. Rurion

ads. 2^{1/2} pgs. 1 pgs +
32 copies
Commonwealth.

To 2nd day of March 1900
being March 20. 1900

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon Jur. 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 _____ day of the fourteenth Court next, being the _____ day of _____ 189 to serve as Jurors upon the trial of D. J. Rumon 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 March 1900, ~~189~~ and in the 24 year of of the Commonwealth.

J. S. Messerley Clerk.

Commonwealth.

of
© Marie Jacis
D. J. Rumon

Forthwith.

Execution of document of M. Jacis
& Charles J. Whittier persons named in
the list furnished to the court
I herewith certify
John J. Fox, S. R.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *J. P. Miller, S. A. Stern, J. W. Fusing,*
Jacob Eaton, J. W. Rummel, Jacob S. Sellers, William Brider, F. M.
Stuespring, Newton Neff, William Rummel, J. E. Reedy, Henry
Mason, Walter Brown, Henry H. Shwatter, Jacob South, John Ford &
Andrew F. Klue, Jr. - Lamb of Jacob, Benj. Lamb, John N.
Brown, D. H. Locker, Noah F. Klue, J. M. Brown

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 *March* Court next, being the *20th* day of
March 1900 ~~1899~~, to testify and the truth to say in behalf of the Commonwealth against
D. F. Rummel

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
12th day of *March 1900*, ~~1899~~, and in the *24th* year of the Commonwealth.

J. S. Messerley, Clerk.

by delivery to the within named J. P. Miller
 of the State of New York
 Charles B. Brown King of the State of New York
 Andrew F. Glenn of the State of New York
 a true copy of within numbers the 17 day of March
 1900
 Not finding the within named J. P. Miller
 I have signed a deed to the within named J. P. Miller
 of the State of New York
 of which the within numbers were enclosed

1 + 23

Commonwealth

of the State of New York
 D. F. Reunion

- J. P. Miller +
- J. D. Stern +
- J. W. Furing +
- Jacob Galton +
- J. P. W. Reunion +
- Jacob S. Sellers +
- Wm. Brien +
- J. M. Sturges +
- Newton Neff +
- Wm. Smith +
- J. E. Reedy +
- Henry Mason +
- Halter Pomeroy +
- Henry S. Swettenham +
- Jacob Smith +
- John Ford +
- Andrew F. Klue +
- J. C. Lamb of Jacob +
- Benj. Lamb +
- John N. Pomeroy +
- D. H. Loker +
- Noah F. Klue +
- J. M. Pomeroy +

To the day of March let
 being March 20. 1900

by delivery to a number of each of them subject
 the family he has copy of within numbers the
 16 day of March 1900
 Not finding the within named J. P. Miller at home
 nor any member of his family the within numbers
 were enclosed by delivery to the first door
 of his house in the city of New York
 known this 17 day of March 1900
 J. P. Miller agent for J. P. Miller J. P. Miller

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 D. J. Kinnon....., charged with felony, set

for this 7th..... day of this February..... Term, 1900....., of the County Court of the County aforesaid, being the 26th..... day of February 1900, 18.....

Charles A. Dull
Geo. E. Glass

TO THE SHERIFF OF ROCKINGHAM COUNTY

The undersigned, of the County of Rockingham, North Carolina, do hereby certify that the within and above entitled and in other respects as therein expressed is a true and correct copy of the original thereof as the same appears to me to be true and correct.

Witness my hand and the seal of the County of Rockingham, North Carolina, this 25th day of July, 1901.

James C. Johnson, Clerk

[Signature]

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon One 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~~ day of the Forthwith Court next, being the day of 189..... to serve as Jurors upon the trial of D. J. Rumor 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. Messerly, Clerk of our said Court, at the Court House, the 26th day of February 1900, 189..... and in the 22nd year of of the Commonwealth.

J. S. Messerly Clerk.

Executed by summing the within
named blue. a. dull whose name
was furnished by the General
J. H. Adwizac d. P. B.

Commonwealth.

© J. Pierre Jasin
D. F. Reunion

Forthwith

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 D. F. Nunson, charged with felony, set

for the 7th day of this February Term, 1900, of the County Court of the County aforesaid, being the 26 day of February, 1900.

1 John Dollar

2 J. D. Dull

3 Martin D. Miller

4 George W. Thomas

5 S. H. Brauer

6 A. J. Thompson

7 D. H. Blosser

8 John H. Wenger

9 J. W. Sheets

10 H. R. H. Maszack

11 Martin B. Lincovann

12 Solomon E. Rhodes

13 Monroe Damm

14 D. S. Gilmer

15 D. Le Long

16 J. R. Rhodes.

Geo. Whittam

TO THE SHERIFF OF ROCKINGHAM COUNTY

The undersigned, being a member of the County of Rockingham, and being duly qualified to act as a juror in the County of Rockingham, do hereby certify that I am a resident of the County of Rockingham, and that I am a citizen of the United States of America.

Witness my hand and seal this 25th day of August, 1864.

John A. Miller
J. A. Miller

John A. Miller
J. A. Miller

John A. Miller
J. A. Miller

John A. Miller
J. A. Miller

John A. Miller
J. A. Miller

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 *7th* day of this *February* Court ~~is~~, being the *26th* day of *February* *1900* ~~189~~ to serve as Jurors upon the trial of *D. J. Runion* 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 *22nd* day of *February* *1900* ~~189~~ and in the *24th* year of of the Commonwealth.

J. S. Messerley Clerk.

Executed by summoning the sixteen persons named
in the list furnished by the Comt. and herewith returned

J. A. Switzger S. R. C.

Commonwealth #1

of Marie Jacias
D. F. Runion

To. 7th day of February 1900
being February 26. 1900

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *John Ford Jr.*

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 *this February* Court ~~next~~, being the *26th* day of *February* ¹⁹⁰⁰~~189~~, to testify and the truth to say in behalf of the Commonwealth against *D. J. Pinner*

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 *24th* day of *February*, ¹⁹⁰⁰~~189~~, and in the 124th year of the Commonwealth.

J. S. Messerley, Clerk.

Commonwealth-

@ 3 Spas.

D. F. Rumion

John Ford, Jr.

Executed February 24 1890

as to

John Ford, Jr.

By delivering a true office copy of the
within

Rumion

to him in person.

Charles F. Smith Deputy for

John A. Schitzer, S. R. C.

In 7th day February Court
being February 26th 1900

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon J. P. Miller, S. D. Stern, J. W. Susing
Jacob Eaton, Jos. W. Runion, Lewis Fogle, Jacob S. Sellers
William Croder, F. M. Stinespring, Newton Neff, R. F.
beline & William Runion

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 this February Court next, being the 21st day of
February 1900 ~~1899~~, to testify and the truth to say in behalf of the Commonwealth against
D. F. Runion

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
22nd day of February 1900, ~~1899~~, and in the 12th year of the Commonwealth.

J. S. Messerley, Clerk.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *J. M. Brown & J. M. Stern*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *8*, day of this *February* Court ~~next~~ being the *27* day of *February 1900* ~~1899~~, to testify and the truth to say in behalf of the Commonwealth against *D. F. Runion*

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 *22* day of *February 1900*, ~~1899~~, and in the *124*th year of the Commonwealth.

J. S. Messerley, Clerk.

Commonwealth
of Mass.

D. F. R union

J. M. Brown
J. M. Stern

68th day of July term
being July 27, 1900

By delivering the within named J. M.
Brown and J. M. Stern and a true copy of within
summons this 24 day of February 1900
W. J. Whittier Esq. - For J. A. Sawyer Esq.

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 *March* Court next, being the *20th* day of *March* *1900* to serve as Jurors upon the trial of *D. F. Runion* 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. Menuley*, Clerk of our said Court, at the Court House, the *19th* day of *March*, *1900* and in the *24th* year of the Commonwealth.

J. S. Menuley Clerk.

Executed by Summoning Siram I Coap. Mlein C
Stapen Henry W. Middle. John C. Horkle E. M. Stickley H. H.
Sellers. B. F. Reebush John J. Heatwick A. W. Weaver Peter
Roller George C. Lusk Robert A. Coffman John C. Weaver
L. B. Meyer by offer By Whit Amundson Peter Coase. seems
maund in the that furnished by the Judge and beneath
returns.
G. Livingston S. R., C

7. 2nd. day of March 1861
being March 20. 1900

Commonwealth.

J. Jennie Jacobs
D. F. Rinnon

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon Regina Eaton, Throse H. Spitzer, Tyree Keutz,
Peter L. Reed, David Coker, Harvey Phillips, Frank Wean, Mrs. Mary M. Cook,
Stewart Spitzer, John Taylor, John Phillips, Walter Brown, Oscar Hallar,
Saylor House, Philip A. Reedy, Joseph Stern, Edward Rixler, Samuel Stern,
J. E. Reedy, John J. Myers, Thomas J. Atchison, Nettie Steff, Frank Nair,
Berryman Helbert, John Acker, Noah Spitzer, Noah F. Kline, Joseph Mason
Taylor, Horne, Medford Spitzer, absalom Ritchie, Samuel Moyers, Charles
Moyers, Joseph Wenger, Jacob Louster, Abe Remion, Nathan Remion, Robert Wean, Enos
Sprunkle, Sarah Allen, Benjamin Eaton, Mrs. Jennie Dusing, John D. Kline, Henry Mason, ^{adm} Weasner
to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the
7th day of this February Court next, being the 26th day of February
1900, to testify and the truth to say on behalf of D. F. Remion

in a certain matter of controversy in our said Court, depending and undetermined between
The Commonwealth Plaintiff,
and D. F. Remion Defendant.

And this Writ 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
24th day of February, 1900, and in the 124th year of the Commonwealth.

J. S. Messerley, Clerk.

Executed A. Switzer & B. C.

D. F. Rumion
and J. Spae.
The Commonwealth

1 Osgin + 45 Spae

To 2^d day February Court
being February 26th 1900

84 By allowing to the within named Beary & Esten
and Beary & Esten 20 shares each a true copy of
with in open view, this 24 day of February 1900 of
above of which is by the within named J. Spae & Beary
3 year term, Beary & Esten & Beary & Esten 10 shares and
that term, Beary & Esten each a true copy of with in
this 25 day of February 1900. Beary & Esten at his usual
place of affairs in the city of New York was assisted by
above named to a man but of his family and by
of age of 16 years copy of in this and
25th day of February 1900
26th day of February 1900 A. Switzer & B. C.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To E. R. Niff, a Constable of said County:

WHEREAS, J. Preston Miller of the said county, has this day made complaint and information on oath before me, D. M. Beam a Justice of the said county, that

D. F. Runion of the said county, on the 4th day of December 1899, in the said county, did

feloniously break and enter a certain barn the property of the said J. Preston Miller and not adjoining to or occupied with the dwelling house of the said J. Preston Miller with intent to commit larceny therein and three bags of corn of the value of One ¹⁰/₁₀₀ dollars, of the goods and chattels of the said J. Preston Miller in the said barn then being feloniously did steal take and carry away.

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said

D. F. Runion to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

J. D. Stern to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 3rd day of January in the year 1890.

D. M. Beam J. P. [SEAL.]

Commonwealth

vs.

Arrest Warrant.

D. F. Runion

Executed the within warrant
by arresting and delivering the
body of D. F. Runion

before Lewis Seaman
a Justice of Rockingham County
and by summoning the within
named witnesses in person, this

4 day of Jan 1900
189

E. R. Huff

Constable of Rockingham County.

Filed Jan 10. 1900
J. S. Mearns, Clerk

Rockingham County to wit
I, J. S. Mearns, a Justice of said County, do hereby certify that
I have this day, as a matter of fact, issued a warrant to the just of said County,
that he may be tried before the County Court of said County, for a
felony by him committed in the that on the 4th day of the
1899, did feloniously break and enter at night, a certain barn
the property of Preston Miller and not adjoining to or being
with the dwelling house of the said Preston Miller, with intent
of committing, therein and therein, a certain quantity of
wheat of value of dollars of the goods and chattels of the said
Preston Miller in the said barn then being feloniously
held steal take and carry away
given under my hand this 4th day of Jan 1900
J. S. Mearns J. S.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To E. R. Neff, a Constable of said County:

WHEREAS, J. Pauston Miller of the said county, has this day made complaint and information on oath before me, D. M. Beam a Justice of the said county, that

D. F. Runion of the said county, on the 8th day of December 1899, in the said county, did

feloniously break and enter ^{at night} a certain barn the property of Noah F. Kline and not adjoining to or occupied with the dwelling house of the said Noah F. Kline with intent to commit larceny therein and two bags of corn of the value of one dollar of the goods and chattels of the said Noah F. Kline, in the said barn then being feloniously did steal take and carry away

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said

D. F. Runion

to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

Noah Kline

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 3rd day of January in the year 1890

D. M. Beam

J. P. [SEAL.]

Commonwealth

vs. } Arrest Warrant.

D. F. Runion

Executed the within warrant by arresting and delivering the body of D. F. Runion

before Lemus Beam a Justice of Rockingham County and by summoning the within named witnesses in person, this

4 day of Jan 1900 189

Constable of Rockingham County.

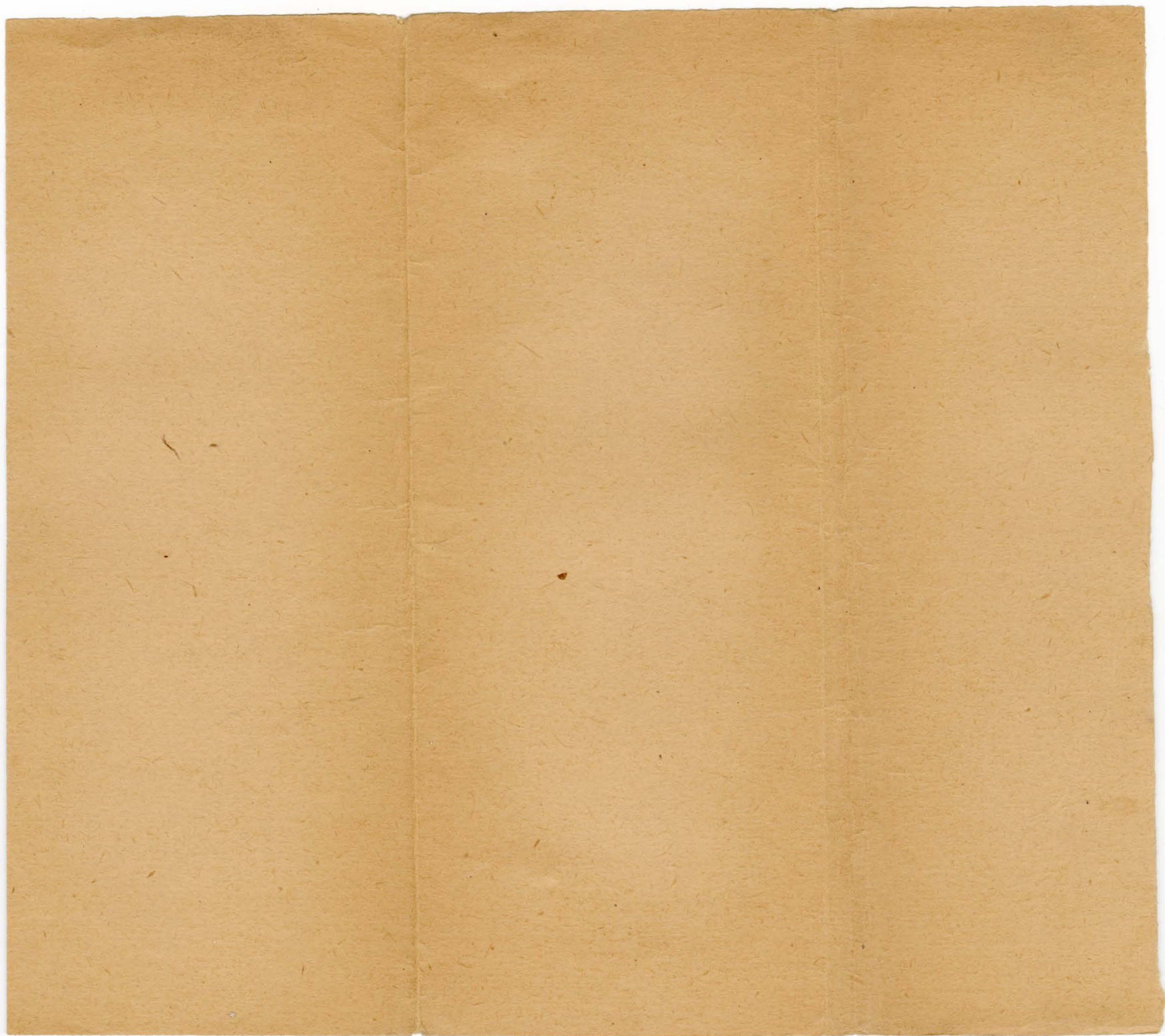
Filed Jan 10 1900 J. S. Messinger Clerk

Rockingham County to wit
I D. M. Beaud a Justice of said County, do hereby certify that I have this day committed D. F. Runion to the jail of said County; that he may be tried before the County Court of said County for a felony by him committed in the that on the 8 day of Dec. 1899 did feloniously break and enter at night a certain barn, the property of W. R. F. H. H. and not at all for or occupied with the dwelling house of the said W. R. H. H. with intent of committing larceny therein and two bags of corn of the value of one dollar of the goods and chattels of the said W. R. H. H. in the said barn then being feloniously did steal take and carry away thereunto my hand this 4 day of Jan 1900 D. M. Beaud J.

1
Commonwealth

© } Papers.

D. F. Rumon



Commonwealth

2

of Papers

D. F. Rumson



Adam Measner

Mrs. Jennie Jusing

Samuel Neff

David Neff

Mattie Neff

R. F. Nair

David Runyon

Charles Fadel

A. H. Spitzer

Martin Fogle

Mrs. Bettie Ludholtz

Aldine Spitzer

James M. Miller

Stewart Spitzer

Lute Spitzer

Joseph Wenger

John Turner.

Commonwealth.

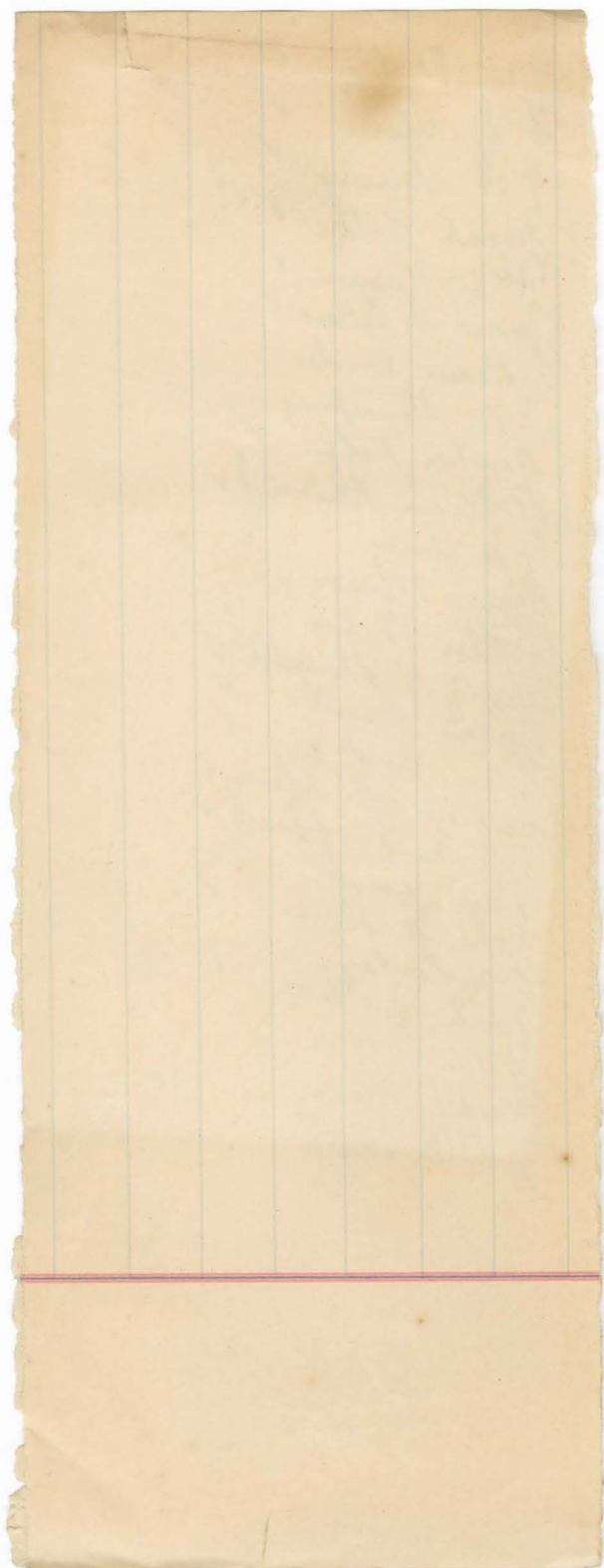
©

D. F. Perrin

Thomas Neale
John & Harper
Henry M. Apple
John & Drake
E. M. Atchley
W. M. Allen
A. M. Moore
John Rolfe
Robert A. Coffman
John & Moore
E. P. Meyerhoff
G. W. Hartman
John & Hartman
George W. Hart



J. P. Miller ✓
S. D. Stern ✓
J. H. Fuswig ✓
Jacob Eaton ✓
G. W. Rumori ✓
Jacob S. Sellers ✓
William Bader
J. M. Steensprung ✓
Newton Neff ✓
William Rumori Jr ✓
J. E. Early
Henry Mason
Hatter Brown
Henry H. Showalter ✓
Jacob Deuth ✓
John Ford Jr ✓
Andrew J. Kleie ✓
J. P. Lamb. of Jacob. ✓
Benj Lamb.
John N. Brown ✓
D. H. Lockey ✓
Noah J. Kleie ✓
J. M. Brown
Joseph Mason
E. S. Pennington

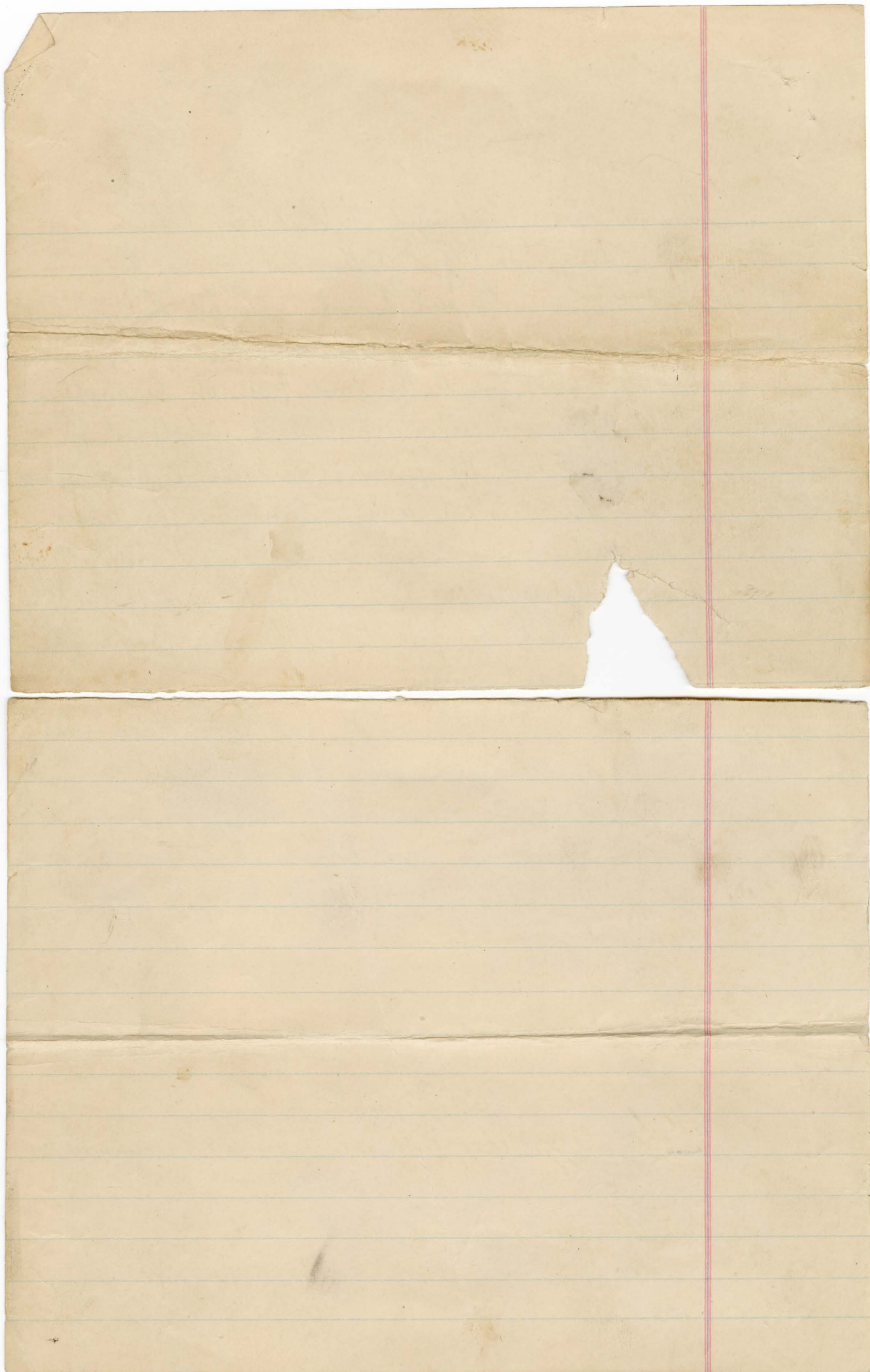


The jury are instructed that if they believe from the evidence, that ^{Mr. F. Kline} J. P. Miller the owner of the barn referred to in the indictment consented that Jacob Eaton should arrange with, or induce the prisoner to come with him to the said barn on the night of the occurrence upon which said indictment is based, and that the prisoner & said Eaton in pursuance of such arrangement with said Eaton or by reason of the inducement of said Eaton entered and took from said barn some corn, while the said ^{Kline & others} Miller & his have watched the proceedings, then they should find them ~~not~~ not guilty.

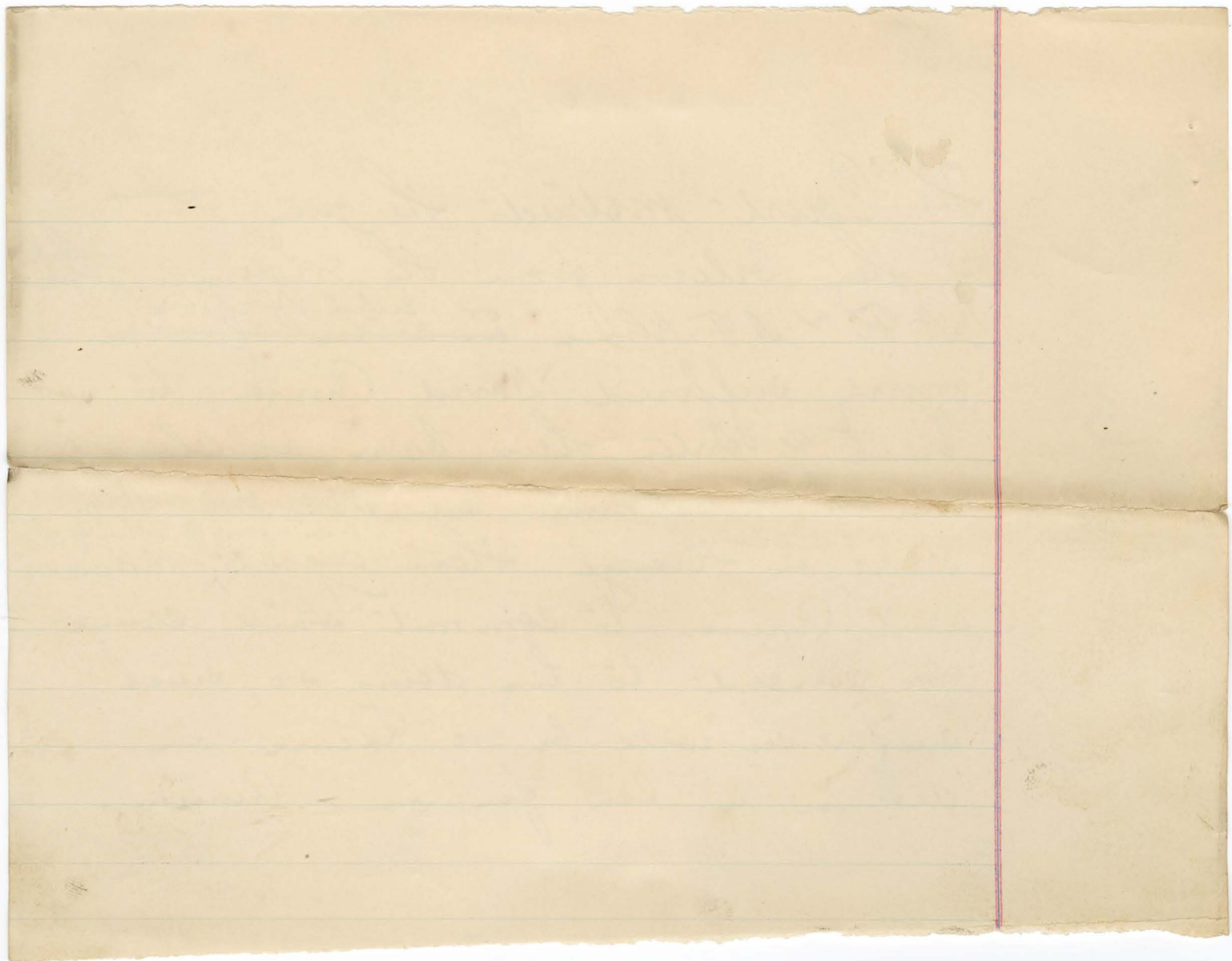
But the mere presence of said Mr. F. Kline with others watching in said barn at the time the act was committed, with the knowledge on the part of said Kline that such act was to be committed is not proof of his consent ~~therefor~~.

with the ~~and~~ knowledge that such act was ~~not~~ to be committed at that time,

and the mere fact that Mr. F. Kline



3
The Court - instructs the jury that
if they believe from the evidence that
J. F. D. & A. F. Albion ~~or either of them~~^{or either of them}
merely suffered David Runyon to
break & enter their barn as charged
in the indictment, but did not - them-
selves ^{or either of them} or through their agent ^{or the agent of either of them} induce
said Runyon to commit said crime
nor consent to his doing so, such
sufferance will be no excuse or
defense in law for said Runyon.



6

The Court instructs the jury that in order to constitute breaking on a charge of house breaking, the bare opening of a door by the accused, to effect an entrance, will suffice to constitute a breaking -

See *Went's Guide* Sec 373.

The great mistake the first time was
to mistake the problem as a disease of
the brain instead of the brain itself
and the result of the disease of the
brain is a disease of the brain
and the result of the disease of the
brain is a disease of the brain
and the result of the disease of the
brain is a disease of the brain

No 1

The Court instructs the jury that in order to constitute breaking on a charge of housebreaking, the bare opening of an outside door by the accused to affect an entrance, will suffice to constitute a breaking.

12

no gnikward eht ttanoo of tabto ni jant ytu. eht ajoultant jruod eht
eht yd tooh ehtatuo na 7o gnikneqo eht eht. gnikward eht 7o eht
gnikward a eht ttanoo of ehtttuo llw, ehtttuo na 7o ehtttuo of ehtttuo

Q

If the jury believe from the evidence beyond any reasonable doubt that
 the prisoner broke and entered the barn of N.F. & A.F. Kline with intent
 to commit larceny therein, in manner and form as charged in the indictment,
 and that he committed such act ~~of his own free will~~, uninfluenced by
 any arrangement made with him or inducement offered to him by the owners
 of said barn or either of them or any person authorized to act for them,
 or either of them, ~~and~~ and that such act was committed without the con-
 sent of the owners of said barn or either of them, given in person or by
 any one authorized to act for them, or either of them, then they must
 find the prisoner guilty, ^{and} ~~and~~ the mere presence of said N.F. Kline with
 others watching in said barn at the time the act was committed, with
 the knowledge that such act was to be committed, is not proof of his
 consent.

0 2

of the jury believe from the evidence beyond any reasonable doubt that
the prisoner broke and entered the barn of W. F. & A. F. Kline with intent
to commit larceny therein, in manner and form as charged in the indictment,
and that he committed such act ~~at said barn~~, influenced by

any arrangement made with him or inducement offered to him by the owners
of said barn or either of them or any person authorized to act for them,
or either of them, ~~and that such act was committed without the con-~~
sent of the owners of said barn or either of them, given in person or by

any one authorized to act for them, or either of them, then they must
find the prisoner guilty, ^{and} ~~and~~ the mere presence of said W. F. Kline with
others watching in said barn at the time the act was committed, with
the knowledge that such act was to be committed, is not proof of his

consent.

The jury are instructed that if they believe from the evidence that either of the owners of the barn referred to in the indictment consented that Jacob Eaton should arrange with or induce the prisoner to come with him to the said barn on the night of the occurrence upon which said indictment is based, and that the prisoner and said Eaton in pursuance of such arrangement with said Eaton or by reason of the inducement of said Eaton entered into and took from said barn some corn while the said N.F.Kline and others ^{and} watched the proceedings, then they should find the prisoner not guilty, ~~but~~ the mere presence of said N.F.Kline with others watching in said barn at the time the act was committed, with a knowledge on the part of said Kline that such act was to be committed, is not proof of his consent.

3

The jury are instructed that if they believe from the evidence that either of the owners of the barn referred to in the indictment consented that Jacob Eaton should arrange with or induce the prisoner to come with him to the said barn on the night of the occurrence upon which said indictment is based, and that the prisoner and said Eaton in pursuance of such arrangement with said Eaton or by reason of the inducement of said Eaton entered into and took from said barn some corn while the said W. F. Kline and others watched the proceedings, then they should find the prisoner not guilty, and the mere presence of said W. F. Kline with others watching in said barn at the time the act was committed, with a knowledge on the part of said Kline that such act was to be committed, is not proof of his consent.

4

A person who is informed that another intends to break and enter his barn in the night time with intent to commit larceny therein, has the right to take steps to discover and apprehend the person committing such crime, provided he has not given, and does not give either in person or by any authorized agent of his, any aid in, or inducement or consent to the commission of such crime.

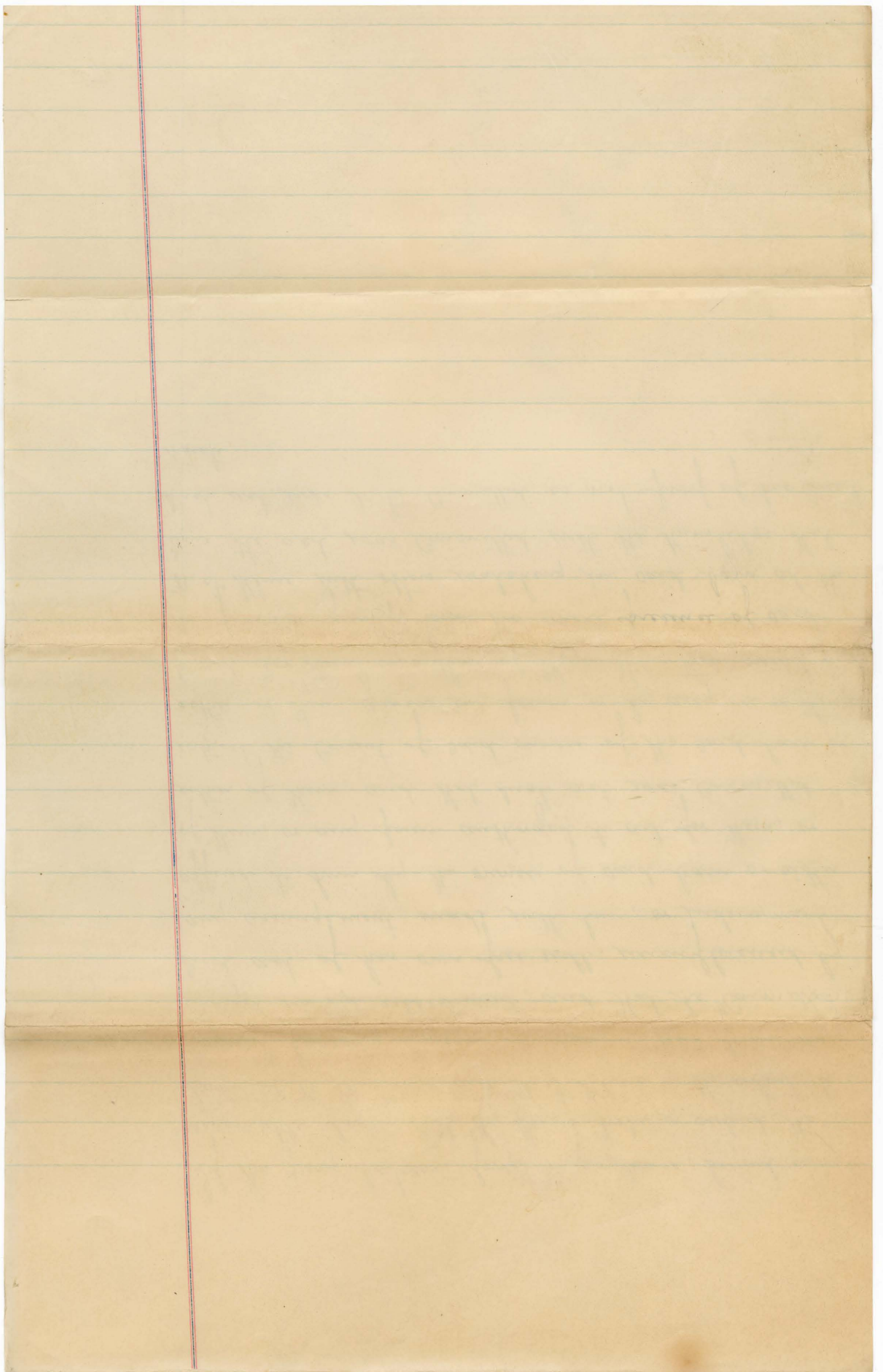
64

4

A person who is informed that another intends to break and enter his
 barn in the night time with intent to commit larceny therein, has
 the right to take steps to discover and apprehend the person
 committing such crime, provided he has not given, and does not give
 either in person or by any authorized agent of his, any aid in or
 hindrance or consent to the commission of such crime.

1/8

If the jury believe from the evidence, beyond any reasonable doubt, that the prisoner broke or entered the barn of N. J. Kline and A. J. Kline with intent to commit larceny therein in manner and form as charged in the indictment, and that he committed such act of his own free will, uninfluenced by any arrangement made with him, or inducement offered to him by the owners of said barn or either of them, or any person authorized to act for them, or either of them, and that such act was committed without the consent of said owners of the said barn or either of them given in person or by any one authorized to act for them, or either of them, then they must find the prisoner guilty; ^{but} the mere presence of said N. J. Kline with others watching in said barn at the time the act was committed with the knowledge that such act was to be committed is not proof of his consent thereto.



In the Circuit Court of Rockingham
County

April Term - Apr 23^d - 1900

Daniel F. Nevins Plaintiff - in Error

4 } Upon a writ of Error Superseas
to a judgment of the County Court of Rockingham
made at the March Term 1900 of said Court
Commencing left - in Error

Upon an Indictment for Housebreaking
This day came again the plaintiff in error
by his Attorney, as well as the Attorney for the
Commencement, and the Court having seen
and inspected the transcript of the record
of the judgment aforesaid, and maturely
considered the argument of Counsel, is
of opinion that there is no error in said
Judgment. It is therefore considered by
the Court that the judgment aforesaid
be affirmed, and the writ of error & Su-
perseas dismissed; all of which is
ordered to be certified to the County
Court of Rockingham.

Attest

Wm. M. Clark
Clerk

A. F. Remond
4 Bon an Appeal
Bonaniments

copy

Filed April 25 1907
Entered in Minutes Book
No. 14 Page 87.

Hockingham County, to wit:

To *G. R. Nuff* Constable of said County, and to the keeper of the jail of said County:.....

These are in the name of the Commonwealth of Virginia, to command you, the said Constable, forthwith to convey and to deliver into the custody of the keeper of the said jail, together with this warrant, the body of

..... *D. F. Runion*, charged before me, *D. M. Beam*, a justice of said County, on the oath of, *J. Preston Miller* with a felony by him committed, in this, that he, the said, *D. F. Runion* on the 8th day of *Dec* 1899, in said County *did feloniously break*

and enter at night a certain barn the property of Noah F. Kline and not adjoining to or occupied with the dwelling house of the said Noah F. Kline with intent to commit larceny therein and two bags of corn of the value of one dollar of the goods and chattels of the said Noah F. Kline, in the said barn then being feloniously did steal take and carry away.

the said, *D. F. Runion*, having failed and refused, and still failing and refusing to furnish recognizance according to the law in such case made and provided, in the sum of \$ *300*, as was required by me, justice as aforesaid; and you the keeper of the said jail, are hereby required to receive the said, *D. F. Runion* into your jail and custody, that he may be tried for the said offence before the County Court of said County, and him there safely keep until he shall be discharged by due course of law.

Given under my hand and seal this *4th* day of *Jan'y* 1900.

..... *D. M. Beam* J.P. (Seal.)

Rockingham County, to wit:

To J.S. Messerley Clerk of the County Court of said County:

I, *W. M. Beam*..... a justice of said County do hereby certify that I have this day committed, *W. F. Runion*..... to the jail of said County, that he may be tried before the County Court of said County, for a felony by him committed, in this, that he, on the

4th day of *December*..... *1899*, in said County *did feloniously break and enter at night a certain barn the property of the said J. Preston Miller and not adjoining to occupied with the dwelling house of the said J. Preston Miller with intent to commit larceny therein and there bags of corn of the value of one ~~some~~ dollar, of the goods and chattels of the said J. Preston Miller in the said barn then being feloniously did steal take and carry away*.....

Given under my hand this *4th* day of *January*..... *1900*.

W. M. Beam..... J.P.

W. F. Runion
Dec 4 1899

Residing County, to wit:

To J. E. Hesterly Clerk of the County Court of said County:

I, J. M. Hesterly, a Justice of said County do hereby

certify that I have this day certified

to the jail of said County, that he may be tried before the County Court

of said County, for a felony in this committed, in this, that he, on the

11th day of September, 1890, in said County, did feloniously

kill and murder a certain person the property of the said

County, to-wit: J. M. Hesterly, a certain person to-wit: J. M. Hesterly

and a certain person to-wit: J. M. Hesterly, a certain person to-wit: J. M. Hesterly

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Commencement
by
J. M. Hesterly

Rockingham County, to wit:

To *G. R. Neff* Constable of said County, and to the keeper of the jail of said County:.....

These are in the name of the Commonwealth of Virginia, to command you, the said Constable, forthwith to convey and to deliver into the custody of the keeper of the said jail, together with this warrant, the body of

D. F. Runion , charged before me *D. M. Beam* , a justice of said County, on the oath of *J. Preston Miller* with a felony by him committed, in this, that he, the said *D. F. Runion* on the *4th* day of *December* 1899, in said County *did feloniously break*

*and enter at night a certain barn the property of the said J. Preston Miller and not adjoining to or occupied with the dwelling house of the said J. Preston Miller with intent to commit larceny therein and thru bags of corn of the value of one ~~50~~ ⁵⁰⁰ dollars, of the goods and chattels of the said J. Preston Miller in the said barn then being feloniously did ~~take~~ ^{take and carry away} the said *D. F. Runion*] having failed and refused, and still*

failing and refusing to furnish recognizance according to the law in such case made and provided, in the sum of \$ *300* , as was required by me, justice as aforesaid; and you the keeper of the said jail, are hereby required to receive the said *D. F. Runion* into your jail and custody, that he may be tried for the said offence before the County Court of said County, and him there safely keep until he shall be discharged by due course of law.

Given under my hand and seal this *4th* day of *January* 1900.

D M Beam J.P. (Seal.)

Bookkeeper County to wit:
To the Constable of said County, and to the

keeper of the jail of said County:

There are in the name of the Commonwealth of Virginia, to command you,
the said constable, together to convey and to deliver into the custody
of the keeper of the said jail, together with this warrant, the body of

charged before me, *John P. [unclear]*, a Justice
of said County, on the oath of *John P. [unclear]* with a felony
by him committed, in this, that he, the said *John P. [unclear]* on the
day of *September* 1899, in said County, did unlawfully break
and enter at night a certain barn the property of the said
John P. [unclear] and did therein take and carry away
the following horses of the said *John P. [unclear]* to-wit:
one bay mare named *[unclear]* and one bay mare of the name
of *[unclear]* of the color and make of the said
John P. [unclear] the said *John P. [unclear]* the
said *John P. [unclear]* the said *John P. [unclear]*

ailing and returning to lawful possession according to the law in

such case made and provided, in the sum of \$300, as was required by

me, Justice as aforesaid; and you the keeper of the said jail, are hereby

required to receive the said *John P. [unclear]* into your jail

and custody, that he may be tried for the said offense before the County

Court of said County, and his there safely keep until he shall be

charged by the course of law.

Given under my hand and seal this *11th* day of *September* 1899.

*Commonwealth
Leon L. [unclear]
D. F. R. [unclear]*

John P. [unclear]

#####

Commonwealth

Vs). U

David F. Runion.

BE IT REMEMBERED that upon the trial of this cause, the Commonwealth, to maintain the issue upon its part, introduced the following witnesses, who testified as follows, to wit:

1. Wm. Runion. I am a son of Jos. W. Runion. David F. Runion ^{the prisoner} is my uncle. I am 15 years of age. I had a conversation with David F. Runion on the evening of the 7th of December, midway between our house and his house I went to see him about getting a horse. He talked to me about going to Mr. Eline's. Said he was going down there the next evening, and wanted me to go along. He did not say what for. The day I had the conversation with him, father was butchering for Jos. Wenger, and David F. Runion was working for Henry Mason. It was the 7th of December.

On Cross-Examination witness said: this ~~talk~~ conversation took place between sun-down and dusk. No one with us. I stopped at D. F. Runion's house and asked his wife where he was, and she said he was up at Mr. Mason' I went up the road and met him. I talked with Abe Miller on the day they arrested "these fellows," and I told Abe Miller, who is a brother of Jacob P. Miller, that I could have been in it if I had wanted to, I supposed. I never went with David F. Runion to steal anything, but I have come with him to Harrisonburg and other places, often. I

after the call time, we were taking of the case book

Commonwealth

vs)

David F. Runion

BE IT REMEMBERED that upon the trial of this
cause, the Commonwealth, to maintain the issue upon its
part, introduced the following witnesses, who testified as
follows, to wit:

I, Wm. Runion, I am a son of Joe W. Runion.

David F. Runion is my uncle. I am 12 years of age.

I had a conversation with David F. Runion on the evening of
the 7th of December, midway between our house and his house

I went to see him about getting a horse. He talked to me

about going to Mr. Elmer's. Said he was going down there

the next evening, and wanted me to go along. He did not

say what for. The day I had the conversation with him,

father was butchering for Joe Winger, and David F. Runion

was working for Henry Mason. It was the 7th of December.

On Cross-Examination witness said: this man

conversation took place between sun-down and dusk. No

one with us. I stopped at D. F. Runion's house and asked

his wife there he was, and she said he was up at Mr. Mason's

I went up the road and met him. I talked with Abe Miller

on the day they arrested these fellows, and I told Abe

Miller, who is a brother of Jacob P. Miller, that I could

have been in it if I had wanted to, I supposed. I never

went with David F. Runion to steal anything, but I have

come with him to Harrisonburg and other places, often. I

Case of David F. Runion

was not in Harrisonburg last year that I know of. It was some two or three years ago. I often went to Broadway with him. He acted alright every time I was with him. I went with him when he was buying up eggs. He never did anything wrong when I was with him. I got the date ^{of our conversation} by going to Mr. Mason's and looking at the book. I happened to think about his working there that day, and I thought [^] myself of looking. [^] He worked there both before and after that date, but the book says, "chopping wood, Dec. 7." I just remember, without any suggestion, that father was butchering on that day for Wenger.

On re-direct-examination, witness said that David F. Runion did not say what he was going for, and I did not ask him what he was going to Kline's for.

2. Joseph Mason. I've known David F. Runion all of my life. On the 7th of December last I saw him at my father, Henry Mason's, chopping wood. I saw Jos. W. Runion butchering that day at Wenger's.

On Cross-Examination witness said: They usually eat supper at my father's house about dark. It's half a mile from there to David F. Runion's house.

3. Samuel D. Stern. Works for Jacob P. Miller --in his employ. On the night of the 8th of December last was in Noah F. Kline's barn. ^{The barn is owned by N. F. & A. P. Kline} Noah F. Kline and Jacob P.

Miller were there with me. The barn opens on the West side ^{It is situated near Broadway, Rocking Lane County, Va. N. F. & A. P. Kline live together and their dwelling is about 200 hundred yards from their dwelling & apart from it.} The door closes against an upright piece and is fastened with a wooden key or bolt. ~~xxxx~~ I was hanging over a

stringer in the hay mow, about 20 feet from the door. Kline and Miller were in the hay mow, in the hay, about the same distance from the door, though in a different position. About half past nine o'clock David F. Runion came to the door, took out this key of which I have spoken, which is in the shape of a "T", opened the door and entered the barn, and filled up one sack. About this time a vehicle drove across the culvert in front of the barn, in the road, and Runion heard the noise and ran out, and closed the door. After a little bit he returned and took out the key again and got a second sack of corn, and went out and closed the door again. Corn worth 50¢ per sack. I've known David F. Runion 12 or 15 years. Frequently in his company worked with him, know his figure and appearance, besides, the moon was shining that night very nicely, and it was an easy matter to recognize him. Jacob Eaton was at the door, and, at one time, Runion said to Eaton "Eh!" Runion said, "What did you say?" Eaton was outside holding the door. The corn was in the South floor of the barn, and it was the ^{South} door at the ~~South~~ ^{West-side} end, which opens on hinges, through which Runion entered. My purpose in getting where I was was to have a good position from which to see.

On Cross-Examination: Jake Eaton was there. I recognized him just the same as Runion. ^{As we knew whether} Eaton has ~~not~~ been arrested ^{for the barn breaking -} I was working for Jacob P. Miller at the time. Noah F. Kline asked me to go to the barn, ^{the evening I went to tell him of their coming -} I had told Jacob P. Miller that Eaton had informed me ^{that day} that David F. Runion was going to Kline's for corn, ^{that night} and Kline had asked

stranger in the hay mow, about 20 feet from the door.
 Kline and Miller were in the hay mow, in the hay, about
 the same distance from the door, though in a different po-
 sition. About half past nine o'clock David F. Runyon came
 to the door, took out this key of which I have spoken, which
 is in the shape of a "T", opened the door and entered the
 barn, and filled up one sack. About this time a vehicle
 drove across the driveway in front of the barn, in the road,
 and Runyon heard the noise and ran out, and closed the
 door. After a little bit he returned and took out the key
 again and got a second sack of corn, and went out and clos-
 ed the door again. Corn worth 50¢ per sack. I've known
 David F. Runyon 12 or 13 years. Frequently in his company
 worked with him, know his figure and appearance, besides,
 the moon was shining that night very nicely, and it was an
 easy matter to recognize him. Jacob Eaton was at the
 door, and, at one time, Runyon said to Eaton "Hi!" Runyon
 said, "What did you say?" Eaton was outside holding the
 door. The corn was in the south floor of the barn, and it
 was the door at the ^{South} ~~West~~ side, which opens on hinges.

I was to have a good position from which to see.
 On Cross-Examination: Jake Eaton was there. I
 recognized him just the same as Runyon. Eaton has ^{do not know whether}
 been arrested. I was working for Jacob F. Miller at the ^{for the same business}
 time. Noah F. Kline asked me to go to the barn. I had ^{the evening I was to fill him of his company}
 told Jacob F. Miller that Eaton had informed me that David
 F. Runyon was going to Kline's for corn, and Kline had asked ^{that night}

They were coming in after they would enter.

4.

me to let him know when they were coming. Eaton had told me that Runion was going to Noah F. Kline's after corn, and ^{that night} had I told him Kline had asked me to let him know ^{when I found} ~~about it.~~ *they were coming + likely I would go down + keep Kline watch.* I did go down and tell Kline that Runion was coming, ^{but we did not} Eaton

and I had talked the matter over, and, whenever there was anything new coming up, Eaton was to report to us. He was to keep us posted when these fellows were going to do their stealing. I mean he was to let us, that is, Tussing, Ster and Jacob P. Miller and others, know when they were going to do their stealing. He was with them, and he was to let us know. We knew, of course, that he was with them, and he was to report to us. ^{Eaton said Runion was} ~~They were~~ going to Kline's for corn. It was to be a "corn raid" this time. I have worked for Jacob P. Miller a long time.

On re-examination he said: I talked with Noah F. Kline twice, once about two weeks before the 8th of December last, in the road, as Mr. Kline was passing Miller's. That was the first conversation I had with him, and he told me that if I found out when a raid was going to be made on his place, he would be glad if I'd let him know. ^{Don't know} ~~I told~~

that Eaton's name was mentioned in that first conversation or anything said about him - him about Eaton. Eaton was living at Brown's at that time. The second conversation was at the log pen at his house on evening barn was broken. There was no pay or hire to Eaton that I know of for serving as decoy or detective.

4. Jacob P. Miller. I am 45 years of age.

Have been member of the Board of Supervisors of this County and Deputy Collector of taxes. Have known David F. Runion all my life. On the night of the 8th of December last between 8 and 10 o'clock, I was at Noah F. Kline's barn. Noah F. Kline, Samuel D. Stern and myself were there, in

that time of night

the barn, up in the hay mow. It was a moonlight night. About half past nine ~~at~~ o'clock David F. Runion opened the door on the West side of the barn, and began to pick up corn in a sack. Just then a cart or wagon passed over the culvert in the public road on the East side of the barn. The noise was very distinct, and Runion grabbed his sack and ran out. After ^{about ten minutes} ~~a little while~~ Runion came back, and filled a second sack, and harred it down, and got it full. He then carried that out, and disappeared. I recognized him beyond any contradiction of doubt. Eaton was there, but did not enter the barn. He staid at the barn door. I could see him, too. Runion remarked to his watchman, Eaton, standing in the door, "Eh! What did you say?" Eato replied, "Nothing." The door of the barn was closed with a latch or key, in the shape of a "P." and this had to be removed before they could open the door and enter the barn.

On Cross-Examination, witness said: I've known Eaton 25 or 30 years. I did not see Eaton that day. Not any more intimate with Eaton than with any other gentleman. I wish you to understand me distinctly, that I never had an any arrangement with Eaton that Eaton and Runion were to steal corn from Noah F. Kline's barn. Stern told me that Eaton said Runion was going to make a raid on Noah F. Kline's barn, and Stern asked me to go along with him to Kline's. I went with Stern to Kline's, and Stern, I think, talked to him, and I think told him Runion was coming to steal corn, X and that Eaton was coming along. ^{I don't think} Kline ~~did not~~ know anything about ^{arrangements for Eaton to come with Runion} ~~it~~ until we came there that evening, and Kline

the barn, up in the hay mow. It was a moonlight night. About half past nine past o'clock David F. Bunton opened the door on the West side of the barn, and began to pick up corn in a sack. Just then a cart or wagon passed over the driveway in the public road on the East side of the barn. The man was very distinct, and Bunton grabbed his sack and ran out. After a little while Bunton came back, and filled a second sack, and started it down, and got it full. He then carried that out, and disappeared. I recognized him beyond any contradiction of doubt. Eaton was there, but did not enter the barn. He stood at the barn door. I could see him, too. Bunton remarked to his watchman, Eaton, standing in the door, "Hi! What did you say?" Eaton replied, "Nothing." The door of the barn was closed with a latch or key, in the shape of a "W", and this had to be removed before they could open the door and enter the barn.

On Cross-Examination, witness said: I've known Eaton 25 or 30 years. I did not see Eaton that day. Not any more intimate with Eaton than with any other gentleman. I wish you to understand me distinctly, that I never had an any arrangement with Eaton that Eaton and Bunton were to steal corn from Noah F. Kline's barn. Stern told me that Eaton said Bunton was going to make a raid on Noah F. Kline's barn, and Stern asked me to go along with him to Kline's. I went with Stern to Kline's, and Stern, I think, talked to him, and I think told him Bunton was coming to steal corn, and that Eaton was coming along. Kline did not know any-
thing about it until we came there that evening, and Kline
arrangement for Eaton to come with Bunton
Stern told me

said, I think, he would go and watch with us and see if Runion would steal his corn. We wanted to break up that stealing business, is why we went to Kline. Kline did not,--to my knowledge--know anything about it before that evening. Jacob Eaton, at that time, was living at Jacob M. Brown's, about half to three-quarters of a mile from me. I had no arrangement whatever with Eaton, except this, that on Friday before the fourth Sunday in October, in the afternoon, as I was returning from Harrisonburg, I overtook Jos. W. Runion, a brother of David F. Runion, and Jacob Eaton, traveling together in a buck-board, and I was ^{then} informed that David F. Runion was doing a lot of stealing in the neighborhood, and that Eaton had been solicited by him to go along, and that the next raid was to be made on my barn.

I had no arrangement with Eaton except this, and I will try to make this plain to the jury. I said to Eaton "Will you find out when he's coming and report to me, so that we can watch, and we'll try and break up this stealing." If Runion told Eaton when he was coming, ~~and~~ Eaton was to tell me, and Eaton, in passing my place, did tell me of certain nights when they were coming. Eaton left word on Dec.

4, 1899, between 3 o'clock in the afternoon and 8 o'clock, and I knew Runion was coming to my barn, and that Eaton was coming with him. I and my hands watched. I was in the stable below, and they were in the barn, above. I did not arrest anybody at that time for that offence, but did arrest them on the 4th of January 1900. I can't say when I saw Kline before the night of the 8th of December, when we watched in his barn. If I met with him I told him what he

Donny told him to find out Runion's intentions, not to induce Runion in any way but only to find out.

that Runion was coming to my barn that night to steal, therefore

Every morning I go to Runion's intentions, that if Runion was coming to the barn I would know.

said, I think, he would go and watch with us and see if
 Bunton would steal his corn. We wanted to break up that
 stealing business, is why we went to Kline. Kline did
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 watch, and we'll try and break up this stealing." If Bun-
 ton told Eaton when he was coming, and Eaton was to tell
 me, and Eaton, in passing my place, did tell me of certain
 nights when they were coming. Eaton left word on Dec.
 4, 1890, between 8 o'clock in the afternoon and 8 o'clock
 that Bunton was coming to my barn that night to steal, therefore
 I knew Bunton was coming to my barn, and that Eaton was
 coming with him. I and my hands watched. I was in the
 stable below, and they were in the barn, above. I did not
 arrest anybody at that time for that offense, but did ar-
 rest them on the 4th of January 1900. I can't say when I
 saw Kline before the night of the 8th of December, when we
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 rest them on the 4th of January 1900. I can't say when I
 saw Kline before the night of the 8th of December, when we
 watched in his barn. If I met with him I told him what he

had happened in my barn. Can't say whether I told Kline about Mr. Eaton's ~~story~~ ^{Conversation with me on my road from Harrisonburg, & others} or not. Eaton came to my barn again on the night of the 2nd of January 1900. He informed me, or my hands, Stern and Tussing, that ~~Mr~~ David F. Runion and his party were coming there yhat night. So far as permission to enter my barn is concerned, I gave that to Eaton only. I had a key to the granary in my barn, and the same key was used to open the smoke-house, th key to which was lost. Eaton came over there to prospect, as he said, by Runion's directions, to see if the key was where it used to be. This was on the 2nd of January 1900. I told Eaton to help himself, and Eaton found the key hanging where it always did hang, on a nail near the granary door. ~~I did tell Tussing~~ ^{says I told him} to put the key where it always hung so that the parties who were expected to come that night ^(Jan. 2^d 1900) could get it, as I didn't want the lock broken. We may have talked over the matter, but I don't remember it. I know that's what Tussing said in his testimony before. I saw Eaton that night, the 2nd of January. He came to us after the stealing was over. Eaton was acting ^{in the line of a} as a detective. Kline had no connection with Eaton in the world-- to my knowledge. Kline had nothing whatever to do with Eaton's being there that night. ^{Kline was surprised at their coming to his barn} I was not authorized by Kline to have Eaton come to his barn. My relations with Runion are friendly on my part. I have nothing against hi except his stealing and his abuse of me. He has brought suit against me, and there is a Chancery suit now pending in the Circuit Court against me. He also sued me for some corn, but a non-suit was taken in the case, and it was nev-

had happened in my barn. Can't say whether I told Kline
 about Mr. Eaton's ^{Commission with me on my last from Massachusetts} ~~stealing~~ or not. Eaton came to my barn
 again on the night of the 2nd of January 1900. He inform-
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 after the stealing was over. Eaton was sitting ^{in the line of a} ~~on a bench~~
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 suit against me, and there is a Chancery suit now pending
 in the Circuit Court against me. He also sued me for some
 corn, but a non-suit was taken in the case, and it was nev-

er tried.

I live 1 1/2 miles West of Broadway, Va.

5. Noah F. Kline. I am one of the owners of

the barn referred to in the indictment, which was broken an

entered on the night of the 8th of December. *It was + is owned by N. F. + A. F. Kline* On that night

Have known the prisoner 30 odd years. Live about a mile apart.

I was at home. About an hour after sun-down Jacob P. Mill

er and Samuel D. Stern came to my house and said to me, at

the hog-pen, where I was feeding the hogs, "the report is

they are coming to your place to-night." I says, "We will

go to the barn and watch, then." We three were in the hay

mow, and about half past nine o'clock, Runion and Eaton

came. Runion opened the door and entered the barn, and

Eaton staid at the door. The moon was shining, and, if I

had had no expectation of Runion's coming into the barn ~~the~~

that night, still, I would have known him. Runion enter-

ed and filled up one sack with corn. Then the noise of a

cart or wagon passing over the culvert along the public road

in front of the barn alarmed him and he went out. After

8 or 10 minutes

~~while~~ he came back and got another sack of corn' I've

had a conversatilm with Runion, while in jail, two or three

weeks after his arrest, and before his first trial. I

had a long conversation. Runion/said, among other things,

that I was mistaken as to the amount of corn that was tak-

en that night. He said it was not quite as much as I

claimed. I did not authorize Eaton or any other person

to bring Runion to my barn to steal. The first intimation

I had was about two weeks before that night, when I heard,

from Samuel D. Stern, that Runion ~~might~~ *would possibly* come to my barn. *It was*

just as I was riding away Stern said to me that that was the report.

On Cross-Examination, the witness said: We talk-

er tried.

John F. Kline's list of witnesses, 1882

E. Wash F. Kline. I am one of the owners of

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cart or wagon passing over the culvert along the public road

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to bring Bunton to my barn to steal. The first intimation

I had was about two weeks before that night, when I heard,

from Samuel D. Stern, that Bunton might come to my barn. It was

On Cross-Examination, the witness said: We talk-

ed of this matter several times. There seemed to be a general report in the neighborhood--there was a general talk about it. Different ones knew about it. I mean, about the stealing, and I ^{may have} talked with Stern several times about the stealing, but only once that they ^{would possibly} ~~might~~ come to my barn. The report was that they were watching them at certain places. The first I heard that they were watching, John Bennett told me about it. He and Sam. Stern and Boss. Stern were watching at Benj. Wine's, in November, between the 15th and the last of the month, and Bennett told me about it. Don't remember where the next place was they were watching. I don't remember that Stern told me when they were watching or had watched. I told Stern that if they found out when a raid was going to be made on my place I would be glad to know it. I knew that Sam. Stern was watching from what Bennett had told me. When Stern told me, that night at the hog-pen, "the report is they are coming to your place," I did not ask him who "they" were, or how he knew it. I had the idea that he was going to get the information from Jacob Eaton, and Eaton was one of the men who would come on the raid. Some one had told me that Eaton would be likely to report. John Bennett told me this, in November, when he spoke of watching at Benj. Wine' Bennett lives, now, on Jacob P. Miller's land, but then he lived at his own home, a short distance away. ^{My understanding from what I heard from Bennett was that} Eaton was to report when they were coming and where they were coming. The purpose was to enable the parties to watch for them, and of course the information Eaton was ~~supposed~~ to give, would be of no value, unless he was to report when they were com-

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 to report when they were coming and where they were coming.
 The purpose was to enable the parties to watch for them, and
 of course the information Eaton was supposed to give, would
 be of no value, unless he was to report when they were com-

ing and to what place. I understood from Bennett that Eaton was to report, but not to me, of course. My understanding with Samuel D. Stern was that he would report to me ~~who~~ ^{if} he found out they were coming to my house. I expected Eaton to report to Stern, and I expected to get it in that way. I understood Bennett that Eaton was the man they were to get the information from. I don't know that any one ever said that anybody had employed Eaton. Bennett told me that Eaton was going with them--the party that was stealing, and he mentioned the names of several--David F. Runion, Aldine Spitzer and Jasper Cook were the names he gave--and told me that was the report, that Eaton was going with them in their stealing. As I understood Bennett he was ~~xxxxx~~ Eaton, was going along, in order that they might be caught up with. I did not consent to their coming to my

barn, but I allowed it. *witness was then asked "were you asked at the call trial whether Eaton was at your barn with your consent on night of Dec. 8th of 1901, whether I had consented for Jake Eaton to come to my barn, and I said "yes." The words "permission" and "consent" were both used at the call trial, but I did not consent to Eaton's coming to my barn. After I got home from call trial I examined Webster's dictionary for difference between allow + consent. No one suggested to me to look for the difference. The two had been used in question at call trial & I wanted to know the difference. I found that that I did not mean to say "con-*

~~sent," or that I gave "permission," but I "allowed him," and, if that means consent, that is what I meant.~~

I heard of Jacob P. Miller's barn being broken into on the 4th of December, and heard it the next day. Boss. Stern told me, and told me who had been seen in the barn. I learned from him that Jake Eaton was with Runion that night, at Miller's barn. I saw Miller almost every day, but I don't think I

ing and to what place. I understood from Bennett that
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caught up with. I did not consent to their coming to my
 barn, but I allowed it. ~~I was asked the question of the
 witness was the same "were you asked at
 case there estate. Do you want your consent on night of Dec. 24.
 self trial. I had consented for Jake Eaton to come
 and you say the way?" the trial judge. Under report - St. George, Virginia.
 consent was not made at the trial. I answered who was asked
 in my report. I said I did not consent to the trial.
 that was not the way consent. It is the same in my report. I did not
 to say that I allowed it. I said that I made my arrangement on consent. I
 "consent" was not the word of the trial judge. I did not
 but in coming to my barn. After 3 PM I saw from the time I examined the
 district of the difference between consent + consent. I was surprised to see
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 December, and heard it the next day. Boss. Stern told me
 and told me who had been seen in the barn. I learned from
 him that Jake Eaton was with Punton that night, at Miller's
 barn. I saw Miller almost every day, but I don't think I

talked with him about breaking into Miller's barn.

*6th The Commonwealth introduced an Affidavit showing that on the night of Dec. 8th 1899
The man set at large in the post office street*
And thereupon the Commonwealth rested its case,
and the Defendant offered no testimony.

Whereupon, the Defendant moved the Court to instruct the jury as follows:

The jury are instructed, &c. (Here insert Defendant's instructions, Nos. 1 and 2, which are marked by the Court "Defendant's Instructions Nos. 1 and 2." and made part of this Bill of Exceptions). But the Court refused to give such instructions, and gave the four instructions following, *in lieu of aubittesaid instructions asked for by the defendant & those asked for by the Commonwealth* to wit:

(Here insert the Instructions marked by the Court, "Court's Instructions Nos. 1, 2, 3, and 4), and the prisoner by Counsel, objected to Nos. 2 and 3, but the Court over-ruled said objection and gave all four of said instructions, to which action of the Court, ~~the prisoner~~ in refusing the two instructions asked for by him, and in giving the two Court's Instructions Nos. 2 and 3, the prisoner, by Counsel, excepted, and tendered this, his first Bill of Exceptions, which he prays may be signed, sealed and enrolled, and made a part of the record in this cause, which is accordingly done.

Geo. Grattan (Seal)

Def't No 1

The jury are instructed, that if they believe from the evidence that Noah F. Kline, one of the owners of the barn, referred to in the indictment, was informed that Jacob Eaton was acting with the prisoner in pursuance of an understanding, that the said Eaton should so act with the prisoner, and make report, when and where, any acts of housebreaking, might be proposed, to be committed by him, and that so acting with the prisoner, the said Eaton, and the prisoner were to come to the barn ~~of the~~ said Noah F. Kline and A. F. Kline on the night of the 8th of December, of which purpose, the said Noah F. Kline was informed, and that so acting, the said Eaton did come to said barn on said night, with the prisoner, and the prisoner did break and enter the same, while Eaton guarded the door, and that the said Noah F. Kline or the said Eaton consented thereto, they must find the prisoner not guilty.

Def't No 2.

The jury are instructed that if they believe from the evidence, that Noah F. Kline was informed that Eaton was acting in the matter, as a detective, and that as such detective, he would accompany the prisoner to the barn of himself and brother on the night of the 8th of December, and that the prisoner did break and enter said barn, on said night, yet, if they believe from the evidence, that this was done with the consent either of Kline or Eaton, they must find the Prisoner not guilty.

copy 12/1

The jury are instructed, that if they believe from the evidence that Noah F. Kline, one of the owners of the barn, referred to in the indictment, was informed that Jacob Eaton was sitting with the prisoner in pursuance of an understanding, that the said Eaton should so act with the prisoner, and make reports, when and where, any acts of disobedience, might be pressed, to be committed by him, and that so acting with the prisoner, the said Eaton and the prisoner were to come to the barn of the said Noah F. Kline and A. F. Kline on the night of the 8th of December, of which purpose, the said Noah F. Kline was informed, and that so acting, the said Eaton did come to said barn on said night, with the prisoner, and the prisoner, did break and enter the same, while Eaton remained the door, and that the said Noah F. Kline or the said Eaton consented thereto, they must find the prisoner not guilty.

copy 12/1

The jury are instructed that if they believe from the evidence, that Noah F. Kline was informed that Eaton was sitting in the matter, as a detective, and that as such detective, he would accompany the prisoner to the barn of himself and brother on the night of the 8th of December, and that the prisoner did break and enter said barn, on said night, yet, if they believe from the evidence, that this was done with the consent either of Kline or Eaton, they must find the prisoner not guilty.

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12/1

Be it remembered that upon the trial of this cause the Commonwealth, to maintain the issue joined, upon its part, introduced before the jury the testimony of the witnesses set out in the prisoners first Bill of Exceptions, which is here referred to and made part of this Bill of Exceptions, and the Defendant introduced no testimony. Thereupon the Court refused the two instructions offered by the prisoner, and gave the four instructions prepared by the Court, which were excepted to as stated in the prisoner's first Bill of Exceptions, which is again referred to as a part of this Bill, and thereupon the jury retired; and after some time came into Court and brought in the following verdict, to wit: (Here insert the verdict) Whereupon the prisoner, by his counsel, moved the Court to set aside said verdict upon the following grounds, to wit:

I. That the verdict was contrary to the law and the evidence.

2. Upon the ground that the Commonwealth's Attorney, in the closing argument to the jury had pressed upon their consideration the statements of Noah F. Kline and the other witnesses, in their direct examination, or examination in chief, to the effect that said Noah F. Kline had not authorized Eaton, or any other person, to bring Runion to his barn, on the night of the eighth of December 1899, to break and enter his barn and steal therefrom, and had not consented to his doing so, as being the truth, and was unaffected by the statements of the same witnesses, brought out on their Cross-examination, as set forth in the statement of the evidence, as had been done by the attorneys assisting the Commonwealth's Attorney, and who had opened the case.

Which motion the Court over-ruled, and the prisoner, by Counsel, excepted, and tendered this, his second Bill of Exceptions, which he prays may be signed, sealed and enrolled, and the same is done accordingly.

Geo. Mattan (SAELY)

Be it remembered that on this, ~~xxxx~~ the 31st day of March 1900, the prisoner being present in Court, the Counsel for the prisoner, D. F. Runion, ^{who was at a former day of this term convicted of felony, & sentenced therefor} submitted the following affidavits in support of a motion for a new trial on the ground of after discovered evidence (here insert affidavits). *of D F Runion & J M Bowman*

Thereupon the Court called Mr. ~~J~~ M. Bowman, whose affidavit had been submitted, into Court and he being duly sworn, was asked by the Court to state fully what ~~xxxxxxxx~~ statement Mr. Noah F. Kline had made to him touching the matter referred to in his affidavit. Thereupon he stated to ~~the~~ ^{the} Court that "Noah F. Kline told me that Mr. Miller or Mr. Tussing had come to him and wanted to enter his barn on a certain night to get wheat or corn on a certain night, and he consented for them to come, and that was about all that passed between us." It happened in the depot at Broadway, while I was waiting for the train, to come to Marris-
-enburgh. That was about all he said to me. He seemed to think it was a wrong course they had taken in the Miller trial. Mr. Kline did not mention any names,--only spoke of this stealing gang Don; I think he said he was sorry that he had given his consent to this thing. As soon as I got to town that day I told all this to Mr. Stephenson, Runion's Attorney, as near as I could remember it, just what I have stated. It was the next morning after the verdict in the first trial."

Thereupon J. B. Stephenson, ^{upon his request} being duly sworn, stated that ~~on~~ the day after Runion was acquitted at the February Court, I met Mr. J. M. Bowman at the door of the Court ~~xxxx~~ room, and he asked me what case ~~xxxxxxxxxxxxxxxxxxxx~~ would come up against Runion next, and I told him the charge of breaking and entering N. G. & A. F. Kline's barn, and Mr. Bowman seemed to think if he had gotten off in the one case, by reason of Preston Miller consenting to his entering his barn, that for the same reason he would be acquitted of breaking and entering Kline's barn, because, he said, "Noah Kline told ~~him~~ me that he had consented to Runion breaking and entering his barn." I passed him, as he came in, hunting some one in the Court room, ~~as~~ I had heard from others ~~th~~ that Kline had made that same statement at Broadway, I did not sum

He it remembered that on this, xxx the 31st day of

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the prisoner, D. F. Runyon, submitted the following affidavit:

in support of a motion for a new trial on the ground of after dis-
covered evidence (here insert affidavit).

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was asked by the Court to state fully what xxxxxxxx statement Mr.
Nash T. Kline had made to him touching the matter referred to in
his affidavit. Thereupon he stated to the Court that Nash T.
Kline told me that Mr. Miller or Mr. Treasler had come to him and
wanted to enter his barn on a certain night to get wheat or corn
on a certain night, and he consented for them to come, and that was
about all that passed between us. It happened in the depot at
Broadway, while I was waiting for the train, to come to Morris-
borough. That was about all he said to me. He seemed to think
it was a wrong course they had taken in the Miller trial. Mr. Kline
did not mention any names,--only spoke of this stealing gang.
Don't think he said he was sorry that he had given his consent to
this thing. As soon as I got to town that day I told all this
to Mr. Stephenson, Runyon's Attorney, as near as I could remember
it, just what I have stated. It was the next morning after the
verdict in the first trial."

Thereupon J. B. Stephenson, being duly sworn, stated that
the day after Runyon was acquitted at the February Court, I met
Mr. J. M. Bowman at the door of the Court xxx room, and he asked
me what see xxxxxxxx would come up against Run-
yon next, and I told him the charge of breaking and entering
N. T. & A. T. Kline's barn, and Mr. Bowman seemed to think it
he had gotten off in the case, by reason of Preston Miller con-
senting to his entering his barn, that for the same reason he would
be acquitted of breaking and entering Kline's barn, because, he
said, "Nash Kline told me that he had consented to Runyon
breaking and entering his barn. I passed him, as he came in,
hunting some one in the Court room. As I had heard from others that
Nash Kline had made that same statement at Broadway, I did not sum

men Bowman because these rumors had come to my mind, and it was im-
possible for me to recall who all had talked to me about such state-
ments, until yesterday Mr. Bowman met me on the street and express-
ed great surprise to me that ~~it~~ ^{it} Runion had gotten off because J.
Preston Miller had consented to his going into his barn, he could
not understand why he was not acquitted at the second trial, when
Noah F. Kline had consented to his going into his barn. Then he
told me what Kline had told him, at Broadway, as just ~~stated~~ ^{stated} by him.

Thereupon the prisoner, by his Counsel, upon the ~~matkaxx~~
~~xxxxaxxx~~ statements contained in the affidavits submitted and the
above statement of Jos. M. Bowman and J. B. Stephenson, made in
Court, moved the Court to grant him a new trial, upon the ground
of ^{and newly} after discovered evidence, which motion the Court over-ruled;
and thereupon the prisoner, by his Counsel, excepted, and tend-
ers this, his ~~third~~ ^{third} Bill of exceptions, which he prays may be sig-
ed, sealed and enrolled by the Court, which is accord ngly done.

Geo. Chittum (Seal)

men Bowman because these rumors had come to my mind, and it was im-
possible for me to recall who all had talked to me about such state-
ments, until yesterday Mr. Bowman met me on the street and express-
ed great surprise to me that ~~the~~ Hinton had gotten off because I
Preston Miller had consented to his going into his barn, he could
not understand why he was not acquitted at the second trial, when
Nash F. Kline had consented to his going into his barn. Then he
told me what Kline had told him, at Broadway, as just ~~stated~~.
stated by him.

Thereupon the prisoner, by his counsel, upon the matters
~~xxxxxxxxx~~ statements contained in the affidavits submitted and the
above statement of Jos. M. Bowman and J. B. Stephenson, made in
Court, moved the Court to grant him a new trial, upon the ground
of after discovered evidence, which motion the Court over-ruled;
and thereupon the prisoner, by his counsel, excepted, and tend-
ers this, his Bill of exceptions, which he prays may be sig-
ed, sealed and enrolled by the Court, which is accordingly done.

(Seal)

#####

VIRGINIA:

Rockingham County, to-wit:-

This day personally appeared before me, the undersigned, a Commissioner in Chancery for the Circuit Court of Rockingham County, J. M. Bowman, who made oath as follows: That on the day after D. R. Runion was acquitted of the charge of breaking and entering the barn of J. Preston Miller, at the February Term of the County Court of Rockingham County, affiant had a conversation with Noah F. Kline in the depot at Broadway, Va, in which conversation, ^{said Kline} ~~affiant~~ told affiant that several days before his barn was broken open, for which the said Runion, was convicted at the present term of this Court, that either J. Preston Miller or _____ ^{unk} Tussing, the hand of said Miller came to the house of said Kline, and asked him, the said Kline, for his permission and consent that a gang of thieves might break and enter the barn of said Kline in order that said gang might be identified and captured. The said Kline said that he told said Miller or Tussing, whichever one it was, that they had his full consent and permission to break and enter his barn for said purpose. That by the gang of thieves, affiant understood said Kline to mean Jacob Eaton and D. R. Runion, and that affiant and Kline were discussing the trial and acquittal of Runion, and it was in this conversation that the above statement was made to affiant by said Kline, and that said Kline further stated that in accordance with this agreement, between him and the said Miller or Tussing, whichever one it was, the said barn was broken open and entered by said Runion and Eaton, and that was the charge for which he then stood indicted, and said Kline further stated to affiant that he was very sorry he had ever consented to any such arrangement.

Given under my hand this 29th day of March, 1900.

J. B. Stephenson C.C.

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VIRGINIA:

Bookingham County, to-wit:-

This day personally appeared before me, the under-

signed, a Commissioner in Chancery for the Circuit Court

of Bookingham County, J. M. Bowman, who made oath as

follows: That on the day after D. R. Runion was acquit-

ted of the charge of breaking and entering the barn of J.

Preston Miller, at the February Term of the County Court

of Bookingham County, affiant had a conversation with

Nash F. Kline in the depot at Broadway, Va., in which conver-

sation, affiant told said Kline that several days before his

barn was broken open, for which the said Runion, was con-

vicited at the present term of this Court, that either J.

Preston Miller or Tussing, the hand of said

Miller came to the house of said Kline, and asked him, the

said Kline, for his permission and consent that a gang of

thieves might break and enter the barn of said Kline in

order that said gang might be identified and captured.

The said Kline said that he told said Miller or Tussing,

whichever one it was, that they had his full consent and

permission to break and enter his barn for said purpose.

That by the gang of thieves, affiant understood said Kline

to mean Jacob Eaton and D. R. Runion, and that affiant and

Kline were discussing the trial and acquittal of Runion,

and it was in this conversation that the above statement was

made to affiant by said Kline, and that said Kline further

stated that in accordance with this agreement, between him

and the said Miller or Tussing, whichever one it was, the

said barn was broken open and entered by said Runion and

Eaton, and that was the charge for which he then stood

indicted, and said Kline further stated to affiant that he

was very sorry he had ever consented to any such arrangement.

Given under my hand this 29th day of March, 1900.

J. M. Bowman
C.C.

#####

VIRGINIA:

Rockingham County, to-wit:-

This day personally appeared before me, the undersigned, a Commissioner in Chancery for the Circuit Court of Rockingham County, D. F. Runion, who made oath that since his conviction by the jury and sentence by the Court for two years in the Penitentiary for breaking and entering the barn of Noah F. Kline, at the present term of the County Court of Rockingham County, he has just discovered *new* and very material evidence, and which, by the use of reasonable diligence, affiant could not have ~~ascertained~~ *discovered* before *in time for a new trial* this date; ^x that the said evidence is material in its object, and not merely cumulative, or corroborative, nor is it collateral, and is such that affiant believes ~~he~~ should produce on another trial, the acquittal of affiant.

In support of this affidavit of affiant, affiant herewith files and produces to the Court, the affidavit of J. M. Bowman, which he prays the Court to consider, and by virtue thereof, to grant him a new trial, as he is satisfied that it is sufficient to acquit him if the Court will grant his prayer.

Given under my hand this 29th day of April, 1900.

J. B. Stephenson C. C.

#####

VIRGINIA:

Rockingham County, to-wit:-

This day personally appeared before me, the

undersigned, a Commissioner in Chancery for the Circuit

Court of Rockingham County, B. F. Hunter, who made oath

that since his conviction by the jury and sentence by the

Court for two years in the Penitentiary for breaking and

entering the barn of Wash E. Kline, at the present term of

the County Court of Rockingham County, he has just discovered

and very material evidence, and which, by the use of

reasonable diligence, affiant could not have ~~ascertained~~ before

this date, that the said evidence is material in its

object, and not merely cumulative, or corroborative, nor is

it collateral, and is such that affiant believes he should

produce on another trial, the acquittal of affiant.

In support of this affidavit of affiant, affiant

herewith files and produces to the Court, the affidavit of

J. M. Bowman, which he prays the Court to consider, and by

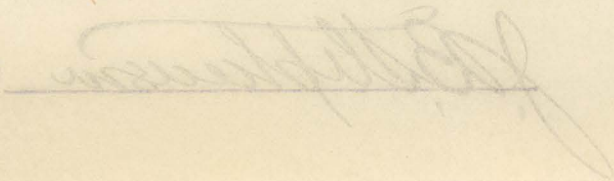
virtue thereof, to grant him a new trial, as he is satis-

fied that it is sufficient to acquit him in the Court

will grant his prayer.

Given under my hand this 20th day of April, 1900.

C. C.



Rockingham County, to wit:

To J.S. Messerley Clerk of the County Court of said County:

I, *D. M. Blam*....., a justice of said County do hereby certify that I have this day committed *W. F. Ruvion*.....

to the jail of said County that he may be tried before the County Court of said County, for a felony by him committed, in this, that he, on the

8th day of *December*..... *1899*, in said County *did feloniously break*

and enter at night a certain the property of Noah F. Kline and not adjoining to or occupied with the dwelling house of the said Noah F. Kline with intent to commit larceny therein and two bags of corn of the value of one dollar of the goods and chattels of the said Noah F. Kline, in the said barn then being feloniously did steal take and carry away

Given under my hand this *4th* day of *January*..... *1900*.

D. M. Blam..... J.P.

Received

Rockingham County, Va. 1800

To J. S. Messerly Clerk of the County Court of said County:

I, *A. J. B. B. B.*, Justice of said County do hereby

certify that I have this day committed *A. J. B. B. B.*

to the Jail of said County that he may be tried before the County Court

of said County, for a felony by him committed, in this, that he, on the

2 day of *February*, 1800, in said County *did unlawfully*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

and *did unlawfully* *take* *the* *property* *of* *John* *Smith*

Given under my hand this 11 day of *February*, 1800.

Essex
1800
A. J. B. B. B.

A. J. B. B. B.

N.F. + A.F. Kline

Commonwealth of Virginia,

COUNTY OF *Rocky Lane*, TO-WIT:

IN THE COUNTY COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of

Rocky Lane, and now attending the said Court at its *February* term, in the year *1900*, upon their oaths present that

D. F. Runion

on the *8th* day of *December*, in the year *1899*, in the said County,

in the night time of that day feloniously did break and enter a certain barn, the property of N.F. and A.F. Kline and not adjoining to or occupied with the dwelling house of the said N.F. and A.F. Kline, with intent to commit larceny therein and two bags of corn of the value of One Dollar, of the goods and chattels of the said N.F. and A.F. Kline in the said barn then being, feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth.

And the jurors aforesaid, upon their oaths aforesaid, do further present that the said D.F. Runion on the 8th, day of December in the year 1899, in the said County, feloniously did enter without breaking, in the night time of that day, a certain barn the property of the said N.F. and A.F. Kline and not adjoining to or occupied with the dwelling house of the said N.F. and A.F. Kline, with intent to commit larceny therein, and two bags of corn of the value of One Dollar of the goods and chattels of the said N.F. and A.F. Kline in the said barn then being, feloniously did steal, take and carry away

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of *J. P. Miller, A. F. Kline*

J. D. Stem & Jacob Eaton

witness & sworn in open

Court and sent to the Grand Jury to give evidence.

_____, Clerk.

Pen 1111111111

year 6 mo jail
\$10.00 11/12 mo.

Pen for Pen

Commonwealth

INDICTMENT FOR A

75.

Housebreaking

D. F. Runnin

A TRUE BILL.

H. H. Hoole

Foreman

Murray

Whether the jury find

the prisoner guilty &

place his penalty at

two years in

penitentiary.

J. C. Hooke

foreman

That the jury find the prisoner D. F. Runnin guilty of Housebreaking
with intent to Commit a Larceny
in manner and form as charged in the Indictment and ascertain his
punishment at Confinement in the penitentiary for two years.

J. C. Hooke

Foreman

Commonwealth of Virginia,

COUNTY OF Rocking Lam, TO-WIT:

IN THE COUNTY COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rocking Lam, and now attending the said Court at its February term, in the year 1900, upon their oaths present that A. F. Runion

on the 4th day of December, in the year 1899, in the said County, in the night-time of ~~that day~~ ^{that day} feloniously did break & enter a certain barn the property of J. P. Miller & not adjoining to or occupied with the dwelling house of the said J. P. Miller, with intent to commit larceny therein & three bags of corn of the value of one $\frac{50}{100}$ dollars, of the goods and chattels of the said J. P. Miller in the said barn then being, feloniously did steal, take & carry away, against the peace and dignity of the Commonwealth.

And the jurors aforesaid, upon their oaths aforesaid, do further present that the said A. F. Runion on the 4th day of December in the year 1899, in the said County, feloniously did enter without breaking, in the night-time of that day, a certain barn the property of the said J. P. Miller and not adjoining to or occupied with the dwelling house of the said J. P. Miller with intent to commit larceny therein and three bags of corn of the value of one dollar and fifty cents of the goods and chattels of the said J. P. Miller in the said barn then being, feloniously did steal, take & carry away

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of J. P. Miller, S. D. Stern,
J. N. Tusing & Jacob Eaton
witnesses sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.

Commonwealth

INDICTMENT FOR A

18.

Warrant

A. G. Quinn

A TRUE BILL.

Wm. A. Westcott

Foreman.

*Monday
we the jury find the
prisoner not guilty
John J. Hartley Foreman*