

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

Bernie Bear

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the *4* day of the *September* Court ~~next~~, being the *20* day of *September 1901* ~~1899~~, to testify and the truth to say in behalf of the Commonwealth against

Chas. Naglerod

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 *17* day of *September 1901* ~~1899~~, and in the *125*th year of the Commonwealth.

J. D. Messerley, Clerk.

Annex Dear

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*R. J. Powell, Chas. Hensley,
Henry Monged, A. E. Deal*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10
o'clock, a. m., on the *14* day of this *August*. Court ~~next~~, being the *4* day of
September 1900, to testify and the truth to say in behalf of the Commonwealth ~~against~~

Before a Special Grand Jury

~~who stands charged with and indicted for~~

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
1st day of *September 1900*, ~~189~~, and in the *125*th year of the Commonwealth.

J. S. Messerley, Clerk.

Commonwealth
Witnesses before the
Grand Jury

R. A. Powell
Chas. Stensley
Henry Mongee
W. E. Deal

14 day of Aug. term
being September 4 1900

Executed Sept 3 - 1900
E. J. Lawick left D. J.
for pro A. Smith on Sept 5

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~~9~~ to serve as Jurors upon the trial of *Hiram Nelson alias Frank Shudle alias Jeff* charged with felony.

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

Witness, *J. S. Messuley*, Clerk of our said Court, at the Court House, the *18* day of *September* *1900*, ~~1899~~ and in the *25* year of of the Commonwealth.

J. S. Messuley Clerk.

Commonwealth

© Jennie Davis

Howard Nelson alias

Frank Huddle alias
Neff

Forthwith.

Executed Sept. 17, 1902 By Summary
the following names jurors taken
from the list pursuant to the laws
and a herewith returned,
Frederick A. Shantz, Clerk of Court
J. A. Livingston, D. A. S.

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 *Harold Nelson alias Frank Middle alias Neff*, charged with felony, set for this *25* day of the *September* Term, *1901*, of the County Court of the County aforesaid, being the *18* day of *September*, *1901*.

Richard H. Armbrust
Frederick S. Shank

TO THE SHERIFF OF BIRMINGHAM COUNTY

The undersigned, [Name], of the County of Birmingham, State of Alabama, do hereby certify that [Name] is the owner of the following described land to-wit: [Description of land]

Witness my hand and seal this [Date] day of [Month], 19[Year].

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 Howard Wilson alias Frank Huddle alias Neff, charged with felony, set for the 2nd day of the September Term, 1900, of the County Court of the County aforesaid, being the 18 day of September, 1900.

- 1 Samuel W. Lincoln v
- 2 Le E. Avers. P. v
- 3 O. D. Lowley L. v
- 4 Michael Hasler L. v
- 5 John L. Dawsey S. v
- 6 J. F. Heatwole a
- 7 Thomas J. Martin le v
- 8 S. Le Peery a
- 9 George S. Damer S. v
- 10 Leatrin S. Hinton le v
- 11 Daniel Garber. a v

- 12 Wm. H. Howard. L. v
- 13 Jacob A. Sellers P. v
- 14 H. S. Newman a
- 15 E. N. Myers. le v
- 16 Le. H. Roller P. v
- 17 J. M. A. Miller le. v

Geo. S. Mattam

TO THE SHERIFF OF ROBINSON COUNTY

The undersigned, the Sheriff of Robinson County, do hereby certify that the within and above named person is a free man and is entitled to the rights and privileges of a citizen of the State of Missouri.

Witness my hand and the seal of the County at the City of St. Louis, Missouri, this 1st day of January, 1862.

JOHN W. BROWN, Sheriff of Robinson County, Missouri.

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 *September* Court next, being the *18* day of *September 1900* ~~189~~ to serve as Jurors upon the trial of *Howard Wilson* ^{alias} *Frank Middle* ^{alias} *Neff* 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 *7* day of *September 1900* ~~189~~ and in the *25* year of of the Commonwealth.

J. S. Messerley Clerk.

Executed the within by summoning
the following named persons taken
from the list furnished by the Judge
and herewith returned, I and W. Curcio
G. F. Lewis, D. B. Cooley, Michael Kaelin, J. L. Harvey
Wm. J. Martin, N. B. Bury, J. F. Meastable

Geo. A. James Co. A. Newton
Dan Hughes W. N. Howard
Jacob S. Suller, E. N. Myers
G. F. Brock, G. M. A. Miller.

Do. 2nd. day of Sept. bet
being September 18. 1900

Commonwealth.

© J. J. Frazier

Howard Wilson alias
Frank. Middle alias
Neff

Sept. 13-1900
J. A. Switzer S. H. C.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

A. J. Powell

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the day of the Forthenth Court next, being the day of

1899, to testify and the truth to say in behalf of the Commonwealth against

Huwat Nelson alias Frank Muelle alias Neff

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 18th day of September 1900, 1899, and in the 175th year of the Commonwealth.

J. S. Messerley, Clerk.

I acknowledge service of the within Subpoena

H. R. Powell

Commonwealth,

vs
J. H. P.

Edward Kelem alias Frank
Wurdte alias Neff

Forthwith.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To D. C. Powell Special, Constable of said County:

WHEREAS, R. F. Powell of the said county, has this day made

complaint and information on oath before me, W. D. Maiden a Justice of the said county, that

Howard Wilson alias Frank Windle, alias — Jeff

of the said county, on the 15 day of August 1900, in the said county, did

one buggy of the value of \$65.00 & two bay mares of the value of \$150.00
the goods and chattels of R. F. Powell and Chas. E. Miller partners
trading as Powell & Miller, feloniously did steal, take & 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

Howard Wilson, alias Frank Windle alias — Jeff
to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

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

Given under my hand and seal this 20th day of August in the year 1900.

W. D. Maiden

J. P. [SEAL.]

Lammanswealth
Vs
Howard Wilson

Executed the
within by arresting
Howard Wilson an
delivered papers W.D.
made of P and by
summarizing the
within witness
this 31-day by 1905
E. J. Carick Hoff D.D.
for your & service
S. K. C.

If the jury believe from the evidence beyond a reasonable doubt, that the prisoner hired the horses in the indictment mentioned and described, from said Powell & Miller mentioned in the indictment, and that at the time he so obtained possession thereof, or afterwards while he so held possession of the same he conceived and kept the fixed purpose to wrongfully and fraudulently use, or dispose of said horses, for his own purposes, without the permission or authority of the said Powell & Miller, the jury may find the prisoner guilty of the larceny of said horses.

If the jury believe from the evidence beyond a reasonable doubt,
that the prisoner hired the horses in the indictment mentioned and
described, from said Powell & Miller mentioned in the indictment,
and that at the time he so obtained possession thereof, or afterwards
while he so held possession of the same he concealed and kept the
said horses to wrongfully and fraudulently use, or dispose of said
horses, for his own purposes, without the permission or authority of
the said Powell & Miller, the jury may find the prisoner guilty of
the larceny of said horses.

Prisoner's testimony referred to court

#:#:#:# # #:#:#:#

If the Jury believe from the evidence that the accused did not wrongfully, and fraudulently use, dispose of, conceal, or embezzle by converting to his own use the two horses and curry which he obtained from Powell and Miller, as shown by the testimony, but that he merely tried to make sale of the same, ~~or to~~ ^{or to} convert the same to his own use, then they must find him not guilty of larceny as charged in the indictment, but guilty of a mere attempt to commit said larceny.

#####

Commonwealth

Vs).

Howard Wilson, Alias Frank Windle, Alias Neff.

Be it remembered that upon the trial of this cause, the Commonwealth, to maintain the issue joined upon its part, introduced the following witnesses, to wit:

1st. R. F. Powell, who proved that the team and buggy referred to in the indictment, belonged to the firm of Powel and Miller, composed of R. F. Powell and C. R. Miller; that the horses were worth \$75.00 apiece; that on the 15th of August, the prisoner, whom he recognized, hired the team ^{last} at Elkton ^{Rocking Land County.} from Witness, who said he wanted the team for a couple of days, that he was going into the mountains, said he was a cattle dealer, gave his name as Frank Windle, and wrote his name on a card which the witness produced. *The prisoner did not bring the team he hired back. It was brought back several days later by Jack Biggs*

2nd. W. E. Diehl, who testified that he was in the ^{Notice} fivery business at Elkton, recognized the prisoner, saw him at Elkton on the 15th of August ^{last}, wanted to hire a team from witness; said his name was Neff.

3rd. Henry Monger who proved ^{live in East Rocking Land} that he recognized the prisoner; saw him on his way going across the mountain East of Elkton, on the 16th of August, ^{last} driving a two horse team and buggy. Witness was in the buggy riding with the prisoner; at nearly every house he came to, he wanted to trade the team off; said it was his team, that he had bought it at his father's sale the day before. He stopped at Ezra Hensley's and Bud Morris', told them both that they were his horses; said his home was at Mt. Jackson, and that he was a son of Frank Windle. He could not trade the team off; the horse which Ezra Hensley wanted was blind and that kept him from trading, and Bud Morris did n't want to buy or trade. The team was two bay mares. *has seen*

Handwritten text at the top of the page, possibly a date or reference number.

Government

(2)

Howard Wilson, Alias Frank Windle, Alias Wolf.

It is requested that upon the trial of this case,

the Government, to establish the facts stated upon its part,

introduce the following witnesses, to wit:

1st. R. Powell, who ~~is~~ ^{was} the team and driver

retained in the indictment, belonged to the firm of Powell and

Miller, composed of R. Powell and C. E. Miller; that the horses

were worth \$75.00 apiece; that on the 10th of August, the price

was paid for the horses, and that the horses were

delivered to the defendant, and that the defendant

was the owner of the horses, and that the defendant

was the driver of the horses, and that the defendant

was the owner of the horses, and that the defendant

was the driver of the horses, and that the defendant

was the owner of the horses, and that the defendant

was the driver of the horses, and that the defendant

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was the driver of the horses, and that the defendant

was the owner of the horses, and that the defendant

was the driver of the horses, and that the defendant

was the owner of the horses, and that the defendant

then since at Powell's stable at Elkton.

4th. Charles B. Hensley, who proved ^{live in East-Rockinghm} that he recognized the prisoner, saw him on the 15th of August ^{last} going from Elkton towards the mountain, took witness in the buggy with him, and went up to his place, and while there bought two calves; also looked at some cows; gave his name as Frank Windle, and said that he came from Mt. Jackson. Said it was his team which he had bought at his father's sale, and brought it along to dispose of it;

the prisoner came to witness's place in Rockingham County & offered to sell it to witness and offered to trade it to him

for a black horse and \$100.00 to boot. The team was composed of two bay mares and hitched to a buggy. The accused stayed all night with the brother of witness, and came by witness' house next morning and said he would take the cows of Saturday, ^{but did not pay for the stock he bought nor come for it afterward.}

5th. Samuel W. Hensley, who proved that he recognized the prisoner; that he came to his house on the 15th of August ^{last} along with witness' brother Charles B. ^{Hensley} Prisoner called himself

Frank Windle and said his father's name was the same. The prisoner was driving a team, two bay mares hitched to a buggy; wanted to ~~xxxx\$500.00xxxxxxx~~ buy stock; bought about \$500.00 worth of stock from witness, and witness was to keep him and his horses over night in the bargain; said he would be back on Saturday to take the stock away, but he did not get back. Prisoner said he had bought the team at a sale, either his father's or his grandfather's, witness did not say which; did not offer to trade the team but said he would trade it and asked me ten dollars to boot. Said he was going across the mountain. All this occurred in Rock-

ingham ^{County, Va} I am ^a brother ^{of} Charles B. ^{Hensley} both live in Rockingham Co. ^{Va}

6th. Ezra Hensley, who proved that he lives on the Swift Run Gap road on the mountain beyond Elkton; that he recognized the prisoner, who did not call himself Frank Windle at his house, but said that his father's name was Frank Windle, and that he was no relation to Jacob or Peter Windle; said he had bought the team

... at the place where Powell's stable at Elkton.
 ... that he recognized
 ... the 15th of August ...
 ... the party with him, and
 ... there about two dollars; also
 ... name as Frank Windle, and said that

... Jackson. ...
 ... of his father's ...
 ... to take it to his

... for a black horse and \$100.00 to boot. The farm was composed of
 ... The accused stayed all
 ... and came by witness' house

... the cows of Saturday, ...
 ... for the ...
 ... that he recognized

... the 15th of August ...
 ...

... and said his father's name was the same. The prisoner
 ... two bay mares hitched to a buggy; wanted to
 ... worth

... and witness to keep his and his horses
 ... on Saturday to
 ... but he did not get back. ...

... either his father's or his grand-
 ... did not offer to trade the
 ... and asked me ten dollars to get

... in Rock-
 ... both live in Rockingham Co Va

... who lives on the ...
 ... that he recognized

... the prisoner, who did not call his self Frank Windle at his house,
 ... and that he was
 ... said he had bought the same

live in ...

James

Last

the prisoner came to ...

... was ...

... for the ...

Last

...

County, Va

in the County

at his father's sale the day before, and had driven them about seventy miles that day. ^{That was on Thursday the 16th of August last -} He proposed to trade me either one of the mares, and I told him that I wanted to trade a colt for a good work horse. Witness found the mare he wanted was blind in one eye, so he refused to trade; witness told prisoner that the colt had never been worked; and that he would run some risk in driving the buggy away with that colt hitched in it, and prisoner said he would run the risk. While at witness' house, prisoner bought three colts of witness and his two sons, and was to come for them on Saturday. *When prisoner left - he went toward Stanardsville*

7th. Elijah Banks., who proved that he saw prisoner on the other side of the mountain at Stanardsville in Greene County, in a buggy driving two bay mares; saw Mr. Jack Biggers with him; Biggers bought the team and buggy from the prisoner and had reached his hand in his pocket to pay him the money as witness thought, when witness told him that if he bought that team, that he would lose his money as that team belonged to Mr. Powell at Elkton. The prisoner said it was his team, that he got it at Mt. Jackson, ^{after witness had Biggers it was Powell team} and that he never had been in Elkton in his life. ^{the prisoner} Witness and Biggers ~~xxxxx~~ brought the team back to Powell at Elkton.

8th. Jack Biggers, who proved that he recognized the prisoner, saw him at Stanardsville on the 16th of August ^{last} at Horn's store. Horn said to witness "This man has a team to sell", and the prisoner said his name was Frank Windle, and that he was from Mt. Jackson. Witness got into the buggy with the prisoner, and they drove the team about on the roads to try it. In turning around in the road to come back, one of the two bay mares hitched to the buggy stumbled, and witness said, "Is that mare blind?", and the prisoner said "I don't know whether it is or not, I handle so many horses that I really don't know". He asked witness \$220.00 for the team and buggy, and witness

the prisoner was the wife of Stanardsville he was Powell's team and drove off

about
that was on Tuesday, the 10th of August -
seventy miles that day. He proposed to trade me either one of
the mares, and I told him that I wanted to trade a colt for a wood
work horse. Witness found the mare he wanted was blind in one

eye, so he refused to trade; witness told him that the colt
had never been worked; and that he would run some risk in
buying it. He bought away at 5 that colt for \$100, and
prisoner said he would run the risk. While at witness' house,

prisoner bought three colts of witness and his two sons, and was
to come for them on Saturday. When prisoner left to come
John Bishop Banks, who prisoner that he saw prisoner on
the other side of the mountain at Stanardsville in Greene County,

in a buggy driving two bay mares; saw Mr. Jack Bingers with him;
Bingers bought the team and buggy from the prisoner and put
his hand in his pocket to pay him the money as witness thought,
then witness told him that if he bought that team, that he would

lose his money as that team belonged to Mr. Powell at Elkton.
The prisoner said it was his team, that he got it at Mr. Jackson,
and that he never had seen it in Elkton in his life. Witness and
Bingers never brought the team back to Powell at Elkton.

89. Jack Bingers, who prisoner that he recognized the
prisoner, saw him at Stanardsville on the 10th of August
Bingers store. Horn said to witness "this man has a team to
sell," and the prisoner said his name was Frank Winder, and that

he was from Mr. Jackson. Witness got into the buggy with the
prisoner, and they drove the team about on the roads to try it.
In turning around in the road to come back, one of the two bay
mares pitched to the buggy stumbling, and witness said, "is that
mare blind?" and the prisoner said "I don't know whether it

is or not, I cannot so many horses that I really don't know". He
asked witness \$220.00 for the team and buggy, and witness

Witness never saw the prisoner after the sale

offered him \$100.00 for the whole rig, and prisoner asked "Do you mean to include the harness too?" when Mr. Cassler spoke up and said "I will take the harness at \$15.00", and witness said "Well, we will make it \$115.00 for the whole rig". The prisoner said "I will accept your offer". ^{I was about to pay the prisoner the sum agreed} When [^] Elijah Banks, the colored man said to witness, "These are Mr. Powell's horses at Elkton, and if you buy you will lose your money", and then the prisoner said that he had bought them at his father's sale the day before and that he never had been to Elkton, and got in the buggy and drove off. Witness got on a horse, and rode after him, and overtook him about half a mile beyond town, and called to him "Hold on-Cap., I want to see you", and the prisoner said "Did Powell telegraph you to hold me" and witness said "No, but that's Mr. Powell'd team and I want to see you about it" The prisoner then pulled a pistol out from under the seat, and pointing it in a direction opposite from the witness snapped it twice but it did not go off, and then witness said to him "You are snapping that pistol the wrong way if you want to shoot me" and rode up alongside of the buggy, and the prisoner jumped out of the buggy on the opposite side, saying as he did so "Good bye my honey I am gone", and made off, leaving the team and ^{buggy} in the hands of witness, and witness did not see the prisoner again until to-day. Witness and Banks brought the team and buggy back to Powell and turned it over to him, ^{& he paid me for bringing the team back to Powell} and rested its case, and ^{the facts} ~~his being all the~~ introduced in the case, the ~~defendant~~ accused moved the Court to instruct the Jury as follows (here insert the instruction), but the Court refused to give said instruction, ^{to which advice of the court in referring} ~~and the court gave the following instruction~~ ^{in line of the instruction asked by the prisoner & the commonwealth} (here insert Court's instruction), ~~to which action of the Court, the accused by Counsel, accepted, and tenders this his first bill of Exception, which he prays may be signed, sealed and enrolled, and the same is done accordingly.~~

The said witness the prisoner & his counsel excepted to the said instruction the commonwealth

& thereupon the Court
 X

Geo. H. Mattau (SEAL).

offered him \$100.00 for the whole lot, and prisoner asked "Do you
want to include the harness too?" when Mr. Cassler spoke up
and said "I will take the harness at \$15.00", and witness said

"Well, we will make it \$115.00 for the whole lot", the prisoner
said "I will accept your offer", *at an initial price, the*

prisoner said that he had bought them at his father's sale - the day
before and that he now offered them to Rixton, and not to the
jury and drove off.

Witness got on a horse, and to the other
side, and overtook him about half a mile beyond town, and called
to him "Hold on Cap., I want to see you", and the prisoner said

Did Powell take away your horse?" and witness said "No, but
that's Mr. Powell's team and I want to see you about it?" the
prisoner said "I will take it for \$100.00", and witness said

prisoner in a direction opposite from the witness answered it
"Yes, he did not go off, and then witness said to him "You are
supposed to take the horse the way you want to shoot me" and

went on alongside of the buggy, and the prisoner jumped out of
the buggy on the opposite side, saying as he did so "Good bye my
money, my horse", and made off, leaving the team and ~~buggy~~ in

the hands of witness, and witness did not see the prisoner again
until to-day. Witness and Banks brought the team and buggy back to
Powell and turned it over to him, ~~and witness~~

and posted the case, and the jury all ~~agreed~~
based in the case, the ~~jury~~ accused moved the Court to in-
struct the jury as follows (here insert the instruction), but

the Court refused to give said instruction, ~~and the jury~~
gave the following instruction (here insert Court's instruction),
and the Court's instruction, ~~was~~ ~~not~~ ~~given~~, excepted, and

testimony this is a bill of exception, which he prays may
be placed, sealed and entered, and the same is done accordingly.

at an initial price, the
at an initial price, the

at an initial price, the
at an initial price, the

at an initial price, the
at an initial price, the

Witness returned to the Court and said

at an initial price, the

Commonwealth

vs)

Howard Wilson, alias Frank Windle, alias -Neff.

Be it remembered that upon the trial of this cause, the Commonwealth, to maintain the issue joined upon its part, in
produced the witnesses, who proved the facts set forth in the defen-

dant's first bill of exception, and the defendant moved the Court
to give the instruction set forth in said said Bill. of exceptions,

but the Court refused the same, to which advice of the court the prisoner by counsel excepted
and then upon the Court gave the instruction in lieu of the instruction asked by the prisoner
xxx Court's instruction set forth in said first bill of

exceptions which said bill of exceptions is here referred to and
made a part of this bill of exceptions, as if fully set

forth and repeated again in this second bill of exceptions, and

thereupon the case was submitted to the Jury, who xxxxx brought

in a verdict as follows: (here insert the verdict), and thereupon

the defendant moved the Court to set aside said verdict as contrary to law and

and grant him a new trial, which motion the Court overruled, xxx to which

action of the Court, the defendant, by Counsel excepted, and

tenders this his second bill of exceptions, which he prays may

be signed, sealed and enrolled, and the same is done

accordingly.

Geo. E. G. (SBA).

from Commonwealth v. Wilson

Edward Wilson, alias Frank White, alias Wolf.

Be it remembered that upon the trial of this case, the

Commonwealth, to maintain the issue joined upon its part, in

produced the witness, who ~~was~~ ^{was} ~~in~~ ⁱⁿ the de-

Answer the fact

pose (first bill) of exception, and the defendant moved the Court

to give the instruction set forth in said bill of exceptions.

Which said of the former counsel

but the Court refused the same, and the defendant moved the Court

to give the instruction set forth in said bill of exceptions, and the

exceptions which said bill of exceptions is here referred to and

made a part of this bill of exceptions, as it fully set

forth and repeated again in this second bill of exceptions, and

thereupon the case was submitted to the jury, who thereon by their

in a verdict as follows: (here insert the verdict), and thereupon

in an oral trial, who motion the Court overruled, and to which

motion of the Court, the defendant, by counsel excepted, and

thereupon the second bill of exceptions, which he says may

be read, read and enrolled, and the same is done

accordingly.

Ed. Wilson (272)

Reference to the former counsel

Commonwealth
© J. Papers.
Howard Wilson

Filed September 1st 1900



If the jury believe from the evidence beyond a reasonable doubt that the prisoner held the horses in the indictment mentioned and described from said Powell & Miller named in the indictment, and that at the time he so obtained possession, then, or afterwards while he ~~so~~ he held possession of the same, he ~~he~~ conceived & kept the fixed purpose to wrongfully and fraudulently use or dispose of the said horses for his own purposes without the permission or authority of the said Powell & Miller, - the jury may find the prisoner guilty of the larceny of said horses -

Commonwealth.

①

~~Howard. Helen alias Frank~~
~~Hindle alias Neff~~

Samuel W Lincoln

Le E. Jowers.

A. B. Cowley

Michael Hasler

John L. Hawey

Thomas. J. Martin

George B. Starnes

Leahui B. Burton

Daniel Garber

~~Wm H. Howard.~~

Jacob S. Sellers.

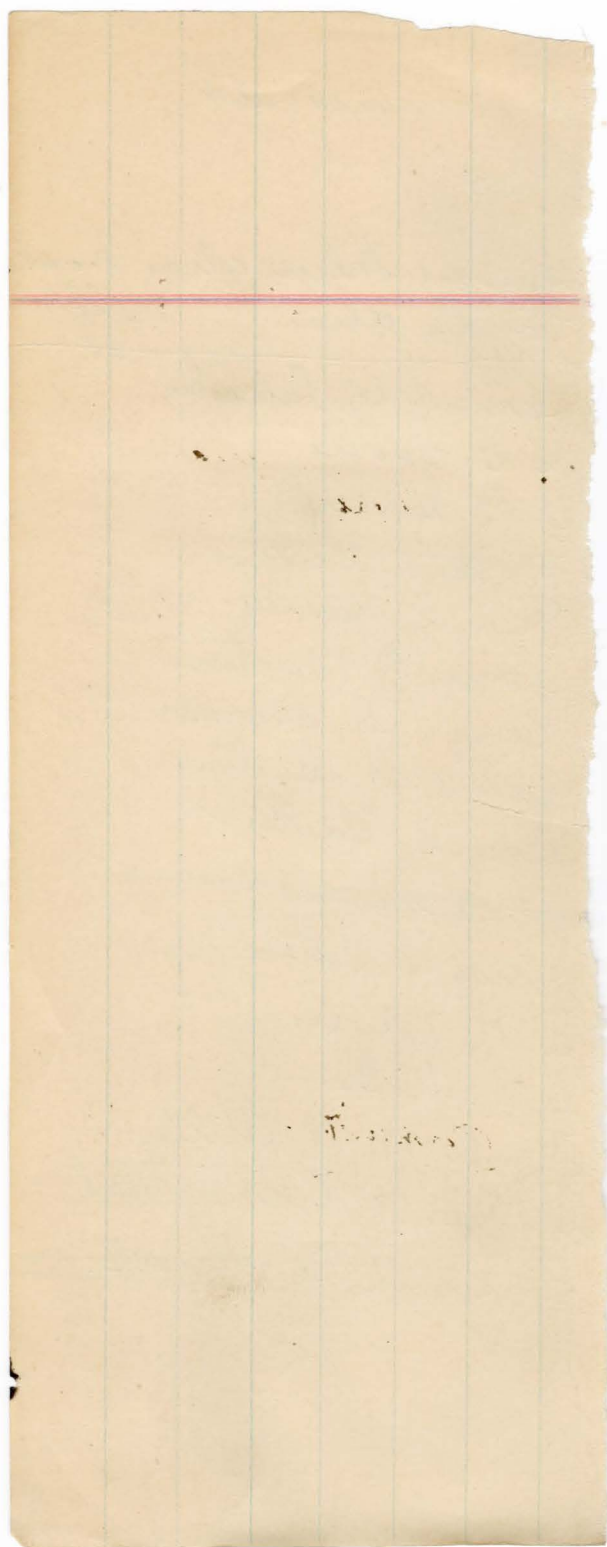
E. N. Myers.

Le W. Roller

Thomas M A Miller.

Charles F. Armentrout.

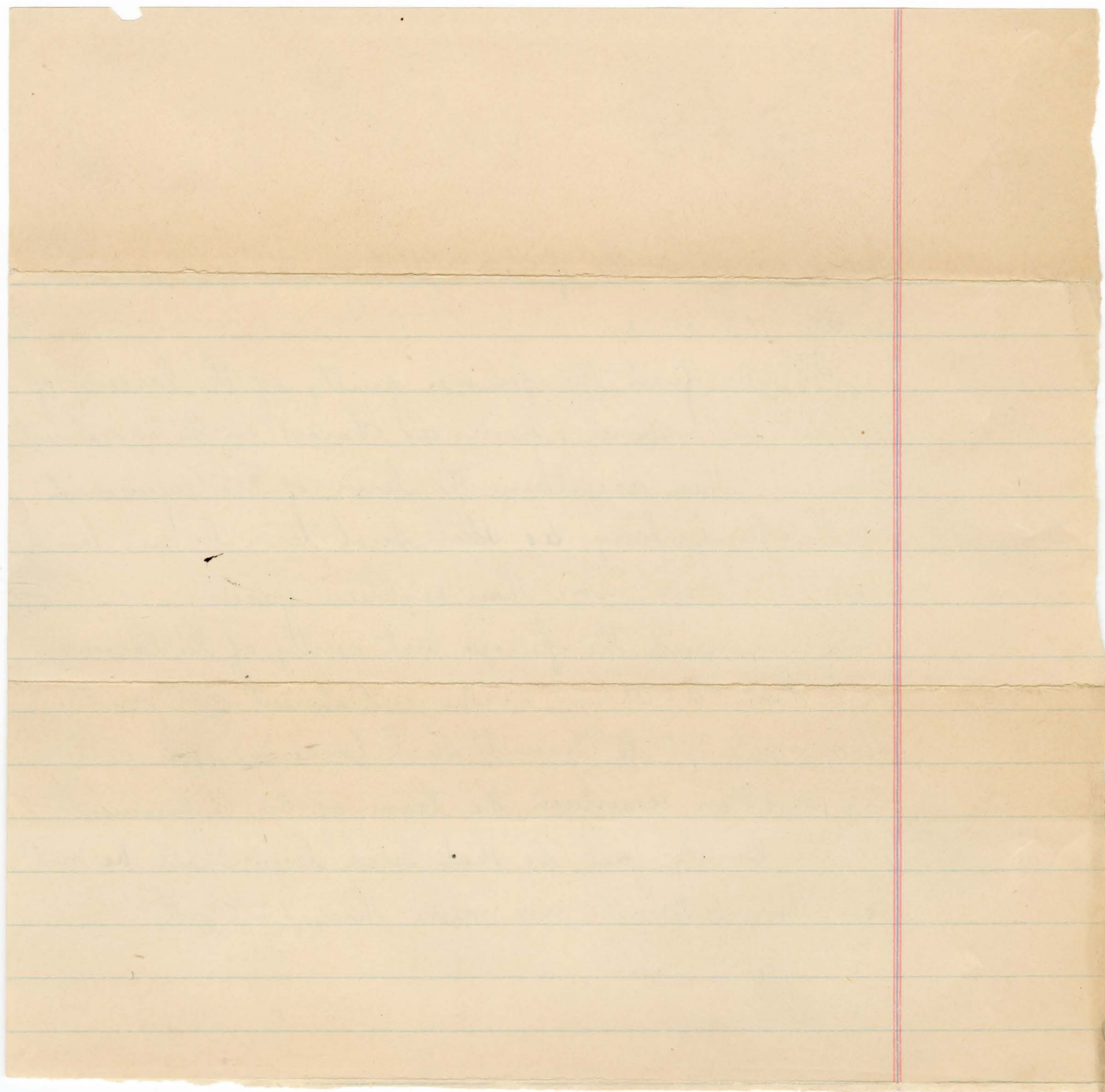
Frederick D. Shank.



If you find the prisoner not guilty you will say so and no more.

If you find the prisoner guilty of the larceny of a horse in manner & form as charged in the indictment you will then ascertain the term of his confinement in the penitentiary so that such term be not less than three nor more than eighteen years.

If you find the prisoner not guilty of the larceny of a horse as charged in the indictment but guilty of an attempt to commit such larceny, you will say so & then ascertain the term of his confinement in the County jail so that such term shall be not less than 6 months nor more than 12 months.



Rockingham County, to wit:

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

I, *W. D. Maiden*....., a justice of said County do hereby certify that I have this day committed *Howard Wilson*.....

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

15th day of *August*.....1900, in said County *one buggy of the value of \$65- and two by mules of the value of \$150. the goods & chattels of R.F. Powree and Geo. E. Miller partners trading as Powree & Miller, feloniously did steal, take & carry away.*

Given under my hand this *8th* day of *August*.....1900.

W. D. Maiden.....J.P.

Rockingham County, to wit:

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

I, *W. B. Wilson*, a Justice of said County do hereby

certify that I have this day committed *Thomas Wilson*

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

day of *August* 1900, in said County *and* *County* of the

County of *Rockingham*, in the value of *\$100* or more

of *the* *County* of *Rockingham*, *Virginia*

.....

.....

.....

.....

Given under my hand this *1st* day of *August* 1900.

.....

.....

Commencement

at Court

at

*Filed September 1st 1900
of J. Messerley
Clerk*

We the Jury find the
Prisoner guilty of
larceny and fix his
term of imprisonment
at 3 years in the
penitentiary.

George S. Warner, Foreman

berdick

Commonwealth of Virginia,

COUNTY OF *Rockingham*, 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 *Rockingham*, and now attending the said Court at its

August term, in the year *1900*, upon their oaths present that

Howard Wilson alias Frank Winkle alias — Neff

on the *15* day of *August*, in the year *1900*, in the said County,

two bay mares of the value of \$75. each and one buggy of the value of 65. of the goods and chattels of R. F. Powell and Chas. E. Miller partners trading as Powell & Miller, feloniously did steal, take and carry away

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of *R. F. Powell, Chas. H. Maley, Henry Minger & W. E. Deal*

witnesses sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.

We the Jury find the prisoner Edward Wilson alias Frank Huddle alias
Neff. guilty of ~~the~~ Larceny ^{of the horses} in manner and form as charged in
the Indictment and ascertain the term of his confinement in the
penitentiary at three years.

George A. Warner Foreman

Commonwealth

INDICTMENT FOR A

188.

Larceny

Edward Wilson alias Frank Huddle
alias alias — 1887

A TRUE BILL.

J. L. Williamson
Foreman.