Commonwealth

Horace Plant.

Solomon G. Garber
B. K. Miller
John H. Harrison
J. le Hedarick
Jacob R. Wiliek
Joseph H. Prunk 15
L. le Haney

News-Register, Harrisonburg, Va. } ARREST WARRANT.

Commonwealth of Virginia, Rockingham County, } TO-WIT:

To S. S. Stearn Spl. Officer a ~~Constable of said County~~:

Whereas, S. S. Stearn of the said county, has this day made complaint and information on oath before me, Wm. J. Poindexter a Justice of the said county, that Horace Plant

of the said county, on ~~the~~ Dec & Jany, of 1906 & 1907, in the said county, did unlawfully and feloniously take, steal, and carry away from the premises of the Southern R. R. Co. at Harrisonburg, certain brass fittings from the cars of said Company of value unknown, then and there being, and the property of said ~~County~~ Company

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 Horace Plant

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 8th day of February, in the year 1907.

Wm. J. Poindexter J. P. [SEAL.]

Feb. 9/07 - Partys brought before me, and case continued to Monday Feb 11/07 at 3 P.M. and Defd. recognized in sum of 100.00 with Magdalene Plant as surety, who qualified to appear at Sheriff's Office.

Wm. J. Points
J.P.

We the Jury find the Defendant Horace Plant not guilty

Foreman

J. W. Harrison

Commonwealth

vs. } Arrest Warrant.

Horace Plant

Executed the within warrant by arresting and delivering the body of ..... before ..... a justice of Rockingham County and by summoning the within named witnesses in person, this ..... day of ..... 190....

..... Constable of Rockingham County.

Executed the within warrant by arresting the within named Horace Plant. Ex. etc. this 8th day of Feb. 1907.

Samuel Pilkerson

Rockingham Co

STATE OF VIRGINIA, ~~TOWN OF HARRISONBURG~~, TO-WIT:

TO THE ~~CHIEF OF POLICE OR~~ ANY POLICEMAN OF THE SAID TOWN:

Whereas S. S. Stearn, *of the said town, has this day made complaint and information on oath before me,* Wm J. Powell J.P. in said County ~~O. P. ROLLER, Mayor of the said town~~ *that* Horace Plant *of the said* ~~town~~ County and State, *on the* 7th ~~day of~~ March, 1906, *in said* ~~town~~ County *did* unlawfully take, steal and carry away certain bituminous coal, the property of the Southern Railroad Company, that is about three tenths of said Coal, of the value of $1.30,

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 the body of the said Horace Plant *to answer the said complaint and to be further dealt with according to law.*

Given under my hand and seal this 7th *day of* March 1906.

Wm J. Powell J.P. (SEAL.)
~~Mayor~~

Summon the following witnesses: Robert Villard, Perry Suter, J. J. Hawse, W. E. Leake, ~~Jas~~ H. M. Whitesel and John Kelley.

Executed this 7 *day of* March, 1906, *by arresting the above named* Horace Plant *and bringing* same *before* O B Roller.

S S Stearn

Judgment on the 8th *day of* March, 1906.

Defendant acquitted ~~found ..... guilty~~ *upon the the testimony* ~~*on oath of*~~ offered by the Commonwealth and costs of 2.00 assessed against Southern R. R. Co. as Prosecutor ~~*as charged in the above warrant and it is adjudged that.*~~

Wm J. Powell J.P.

Commonwealth of Va
vs. } Warrant
Horace Plank
Southern R.R. Co. Pros.tor

Costs

Justice	1.00
Officer	.50
Witness W. W. Whitehead	.50
	2.00

Pd 4/12/66 S S Sleam
Pd. W. N. Whitehead

Costs paid by Prosecutor
and distributed to Officer
Wm. J. Powell JP

Mrs
S. D. Stearns Esq
Farrestes Harness Plant

Pat RX

5.13 Jan

Mr. D. S. Spiker
Hard will be there tonight
for him
Stearns

The Court instructs the jury ~~that~~ the possession of stolen property recently after the larceny thereof is prima facie evidence ~~that~~ the possessor is guilty of the larceny thereof & throws upon the accused the burden of proof to give a reasonable explanation of his possession consistent with his innocence.

If the Jury find the prisoner not-guilty-you will say so & no more.

If you find the prisoner guilty-of larceny as charged in the warrant-you will say so and ascertain his punishment-which shall be confinement-in jail not-less than fifteen days nor more than six months or fine of not-less than $5.00 nor more than $100. or both.

The Court instructs the Jury that Petit Larceny is the stealing from the person of another,money or other thihg of less value than $5.00, or the committing of simple larceny not from the person,of goods and chattels of less value than $50.00

Minors Criminal Law page III.

The Court instructs the Jury that Petit larceny is the stealing from the person of another,money or other thing of less value than $5.00, or the committing of simple larceny not from the person,of goods and chattels of less value than $50.00

The Court instructs the Jury that Larceny is the wrongful or fraudulent taking of personal property of some intrinsic value, no matter how small, belonging to another, without the owners consent and with the intention to deprive the owner thereof permanently.

Minors Criminal Law Page 98.

~~It Court~~ -

THE COURT INSTRUCTS THE JURY THAT PERSONS IN THE NEIGHBORHOOD OF THEMselves, and have an absolute right to enjoy their property in peace and quietness, without the consent and without the intention of disturbing the owner of the property, particularly.

MINORS CRIMINAL LAW PAGE 88.

The Court instructs the Jury that by a "reasonable doubt" is meant that state of the case which after the entire comparison and consideration of all the evidence in the case leaves your minds in such a state that you can not say that you have an abiding conviction to a moral certainty of the truth of the charge.

The Court instructs the Jury that the accused is presumed to be innocent of the offence charged against him in the warrant until his guilt is proven beyond reasonable doubt and this presumption of innocence goes with the accused and applies at every stage of the trial until you have been convinced of his guilt beyond a reasonable doubt.

Commenced
by
Horace Plant
Jany 1 N. Y.
May Term 1907

Commonwealth of Va.
vs.
Horace Plant } Judgment -

This 13th day of February 1907, before me, Wm. J. Poindt, a Justice of Rockingham County, Horace Plant, arrested upon a search warrant, issued out by the Southern R. R. Co, was found guilty of Petit Larceny, and fined $5.00 and the costs, assessed at $15.93 - And an appeal is allowed him to the Circuit Court of said County - whereupon Magdalene Plant, entered as security for said fine and costs - and Horace Plant, together with said Magdalene Plant, who justified with waiver of homestead, entered into a recognizance, in the penalty of 100.00 conditioned upon the appearance of the said Horace Plant before the Circuit Court of Rockingham County, at 10 o'clock on the 18th day of March 1907, to answer further to said warrant -

Witness my hand and seal, this 13th day of March 1907 -

Wm. J. Poindt. J.P. (Seal)

Commth of Va
vs. } Ulsma Searchleamach
Horace Ploet

Papers on Appeal
allowed Feb. 13. 1907.

Filed Feb 19/07
D H Lee Mart
clerk

1907 March term
Cont'd to 2d day of
May term 1907
Recognizance forfeited
May term
Judg & N. G.

Virginia - Rockingham Co.

To the Sheriff of said County.-

Whereas S. S. Stearn, in behalf of the Southern Railroad Company, has made complaint and information on oath, before me, Wm. J. Powers, a Justice of the said County, that on or about the 1st of December 1906, and since, in the said County, a quantity of brass fittings from Railroad cars and engines, of the goods and chattels of the said Company, were feloniously taken, stolen and carried away from the premises of said Company by one Horace Plaut, of said County, and that he hath just cause to suspect, and doth suspect, that the said goods are concealed in the dwelling house or in outhouses situated on the premises, upon which the said Horace Plaut resides in Harrisonburg, Va.; These are, therefore, to authorize and require you, in the name of the Commonwealth of Virginia, with necessary aid, to enter in the daytime the said dwelling house and outhouses of the said Horace Plaut, and there diligently search for the said goods. And if the same, or any part thereof, shall be found upon said search, that you bring the said goods, and also

Commth of Va
vs. } Search Warrant
Horace Plaich

Executed the within warrant
Feb 9 - 1907
E. J. Carrickhoff
D. S. for J. H. Smith, S.H.C.

Costs

Justice		1.00
Officer		7.93
Witnesses		
James Fisher	1.00	
J. W. Rhodes	1.00	
W. S. Allensworth	1.00	
Chas. Witt.	1.00	
Ed Holley	1.00	
W. A. Forest	1.00	
E. J. Carrickhoff	1.00	7.00
		$15.93
Fine		5.00
		$20.93

Memo See William pr Judgment - allowance of appeal and certificate of security pr pr 8 costs and bail -
Wm. J. Powell JP

The body of the said Horace Plaich, before me, a Justice of the Peace for Lee Co., to be dealt with according to law.
Given under my hand and seal, this 9th day of February 1907.
Wm. J. Powell JP. (Seal)

I hereby transfer and set over to Mr. L. Hilliard my attendance fees in Horace Plant case, both in magistrate & circuit court for value received this 22nd. day of May - 1907.

his
Ed + Holly
mark.

Teste J. R. Swift

Received 1.00 on the above account July 9 1907

We the jury find the prisoner not guilty as charged

J. W. Harrison Foreman