

Commonwealth

vs. J. L. Corn

Town of W.burg & C. T. Horn

Received of the Clerk of the Circuit Court  
of Rockingham County, the original  
papers in the above case.

~~Geo. Paul July 20 1914.~~

E. H. C. 4/22-1915-



Witness for ~~John~~ ~~William~~ ~~Walth~~

J. J. Burrow  
J. D. Monger  
W. J. Menger  
Luther Bury  
Bury Walth  
A. L. Dean

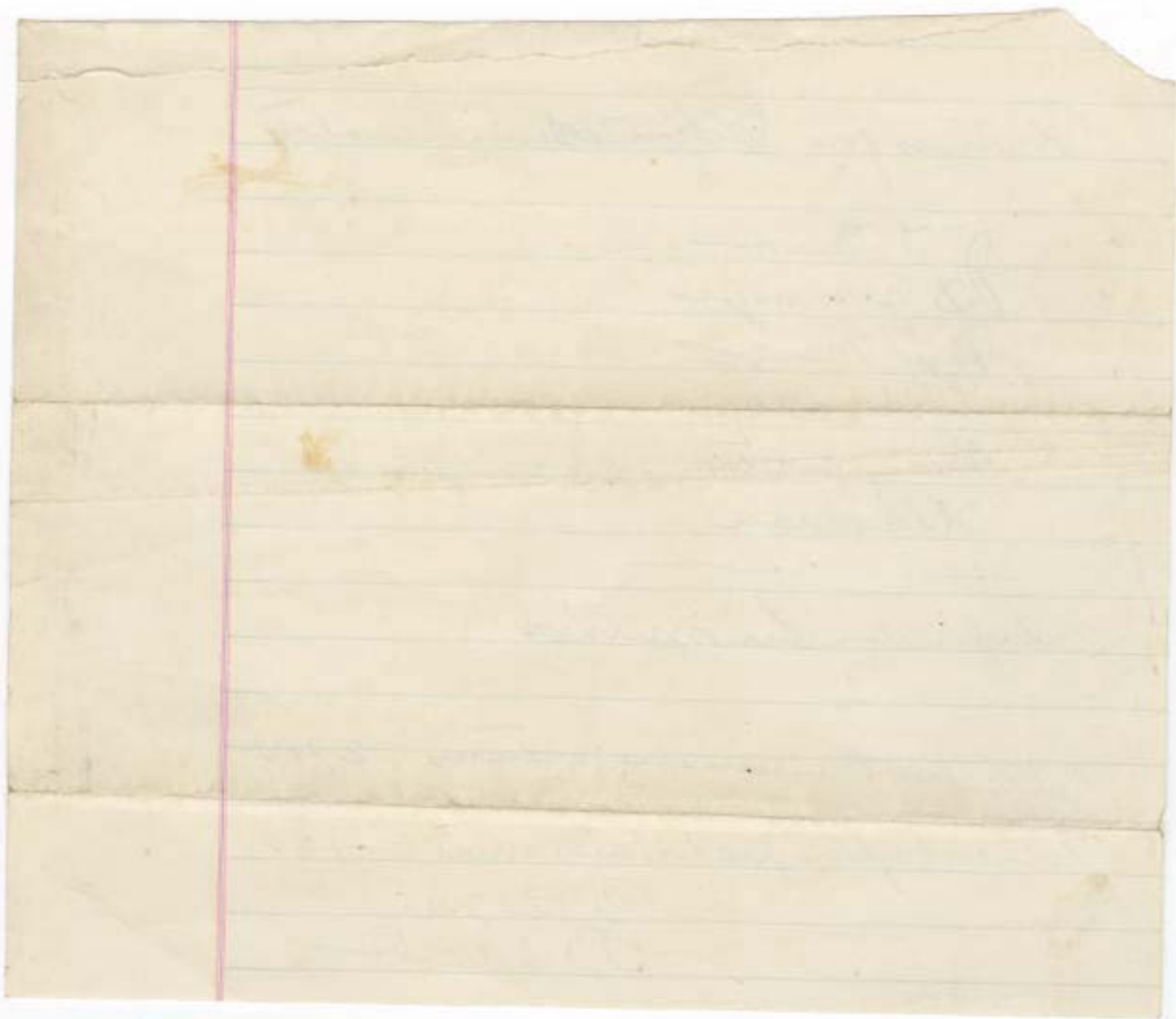
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Dependent See Muris

Costs for procuring witnesses 240

Trial before Justice and arrest 180

B. J. Kall  
D. J. Wood



On the written Complaint of A. R. Layman,  
A. M. Miller, C. H. Level, D. R. Washington,  
C. E. Coger, John A. Myers, F. H. Ligon,  
J. J. Crown and J. D. Miller, citizens of ~~the~~<sup>the</sup>  
the County of Rockingham, setting forth the  
existence of a public or common nuisance  
in said County - in the pollution of a  
certain stream known as Block's Run  
to the injury, discomfort and incon-  
venience of the people in the use and  
enjoyment of public rights and liberties,  
it is ordered by the Court that a special  
grand jury be summoned to the first  
day of the July term of Court next, being the  
next term of this Court, to specially inves-  
tigate the said Complaint, the jurors  
for such special grand jury to be sum-  
moned from a list furnished to the  
offices by the judge of this Court.

Encl. 2  
M. H.  
Encl. 2

TO THE HON. T. N. HAAS, JUDGE OF THE CIRCUIT COURT FOR ROCKINGHAM  
COUNTY, VIRGINIA.

The undersigned citizens of the County of Rockingham, Va., acting under and by virtue of Sec. 1729 of the Code of Virginia, as amended by Acts of 1902-3-4, page 824, respectfully beg leave to present this, their complaint, and their prayer that this Honorable Court will institute such proceedings and investigations respecting the matters hereinafter set forth, as authorized by the said statute law of Virginia.

Complainants respectfully represent that a public and common nuisance exists in the said County of Rockingham, south of the Town of Harrisonburg, in, along and near a stream commonly known as Black's Run, the headwaters of which stream are in or near the Town of Harrisonburg, and the terminal or mouth thereof at North River, near the Town of Mt. Crawford, in said County.

That the said Town of Harrisonburg has built a line of sewer pipe from said Town along the said creek to a point about half a mile south of the corporate limits of said Town, where the said sewer pipe ends in the said creek.

That the said Town, through and by means of the said sewer pipe empties into the said creek sewage from said Town. That there is likewise carried through the said pipe and emptied at said point into said creek liquids which have been used by the J. P. Houck Tanning Company which is situated in said Town. That, by the emptying into the said creek of the said sewage from the said Town and ~~of~~ the offensive liquids from the said tannery, the said Black's Run is not only so polluted as to render the said stream wholly unfit for the common uses to which the water flowing in a creek is useful, but the said pollution of the said stream by the output from the said sewer pipes likewise creates on, along and near the said Black's Run a public or common nuisance. That the said stream, in its meanderings through

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The undersigned declares that the above is a true and correct copy of the original as shown to him by the said party, and that he is not aware of any other copy of the same.

The undersigned further declares that he is not aware of any other copy of the original, and that he is not aware of any other person who has possession of the same. He further declares that he is not aware of any other person who has possession of the original, and that he is not aware of any other person who has possession of the same.

Witness my hand and seal at the City of New York, this 10th day of June, 1881.

That the said copy is a true and correct copy of the original as shown to him by the said party, and that he is not aware of any other copy of the same.

That the said copy is a true and correct copy of the original as shown to him by the said party, and that he is not aware of any other copy of the same.

That the said copy is a true and correct copy of the original as shown to him by the said party, and that he is not aware of any other copy of the same.



the said County from the said Town of Harrisonburg, to its mouth at North River, at numerous points runs across public roads of the said County, and at other points it runs near said public roads, and at some points it runs near the Railroad of the said Valley Railroad Company of Virginia, over which numerous passenger coaches daily pass.

That the said stream is at said places where it crosses said public roads and where it runs near said roads or said Railroad so polluted by reason of said sewer pipe emptying therein that a most offensive stench is created, and the convenience, comfort and health of the public is interrupted and obstructed, and that at points where said stream crosses said highways and public roads, it is difficult to get even horses and cows to pass over the said stream, and impossible to get such animals to drink from said stream. That the emptying of said sewer pipe into said creek has so polluted said stream as to make a breeding place for mosquitoes and thus to create a pest to the public.

Respectfully submitted,

O. A. Layman  
A. B. Miller  
L. H. Leavel  
D. N. Washington  
D. B. Conroy  
John A. Myers D. S.  
F. H. Lago  
J. J. Craun  
J. D. Miller

The first thing I saw when I stepped out of the car was

the bright sun and the warm air. It felt like I had

been in a different world. The people were

friendly and the food was delicious. I had

never been to this place before and it was

so different from what I was used to. I

had heard that it was a beautiful place and

now I knew it was true. The people were

so kind and the food was so good. I had

never been so happy before. I had found

what I had been looking for. It was

just what I needed. I had found a new

home. I had found a place where I could

be happy. I had found a place where I

could belong. I had found a place where

I could be myself. I had found a place

where I could be happy. I had found a

place where I could be myself. I had

found a place where I could be happy.

I had found a place where I could be

myself. I had found a place where I

could be happy. I had found a place

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Handwritten text at the bottom of the page, possibly a signature or date.

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O. A. Langman &  
W. E. E. &  
Abate Museum

COMMONWEALTH OF VIRGINIA,  
COUNTY OF ROCKINGHAM, to-wit:

In the Circuit 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 July term, in the year 1914, upon their oaths present:

That at the time of the committing of the nuisance hereinafter mentioned there was and is yet a certain stream of water called "Black's Run" or "Grassy Creek," extending and flowing from the town of Harrisonburg to a point where the said stream of water flows into another stream of water called "Cook's Creek" and from the confluence of the two streams of water continues to flow with Cook's Creek to and into North River, the said town of Harrisonburg, the said flow of said stream of water from Harrisonburg to a point on North River, and the said North River at the point where said streams enter therein, being in the said county of Rockingham; that at the time of the committing of the nuisance hereinafter mentioned, there was and is yet a common highway called the "Valley Turnpike", in said county, leading from said town of Harrisonburg to said North River in said county at a point near where said Cook's Creek empties into North River, said Valley Turnpike crossing said stream of water, to-wit, Black's Run, about one and a half miles south of the county court house in said town of Harrisonburg, and leading very near said stream at diverse points between the point where it crosses Black's Run and the point where Cook's Creek empties into North River; that, at the time of the committing of the nuisance hereinafter mentioned, there were and are yet between the point where the said Valley Turnpike crosses said Black's Run, as aforesaid, and the point where Cook's Creek empties into North River, diverse points, to-wit, seven points where public county roads cross said Black's Run or Grassy Creek and Cook's Creek, upon which public county roads and said

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, but the words and sentences cannot be discerned.]

Valley Turnpike citizens of this Commonwealth travel, pass and re-pass, go and return; that the said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek from the said town of Harrisonburg to where said streams flow into said North River, flow through a thickly settled country and the water from said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek ~~is~~ valuable to the inhabitants along the same for watering their stock and other domestic purposes, and to the public generally where accessible and not polluted or contaminated; that at the time of the committing of the nuisance hereinafter mentioned there was and is yet located in the said town of Harrisonburg in said County a large tannery for the manufacture of leather - to wit - the J. P. Houck Tannery, owned and operated by the J. P. Houck Tanning Company, a corporation under the laws of the State of Virginia, at and from which at diverse times large quantities of unwholesome, nauseous, foul and offensive refuse were cast off and thrown away; and that the said J. P. Houck Tanning Company on the \_\_\_\_\_ day of \_\_\_\_\_ 1914 and on diverse other days within the last 12 months in the said County did unlawfully cast, throw and place into the said stream of water, to-wit, Black's Run, or Grassy Creek, above or north of the point where the said Valley Turnpike crosses said stream about one and a half miles south of the county court house in said town nauseous, unwholesome and offensive refuse <sup>and all the forms of disease incident thereto</sup> from said Tannery and then and there did unlawfully cause the foul, nauseous, unwholesome and offensive refuse from said Tannery <sup>as aforesaid</sup> to mix with the water of said stream of water and to continue to mix with the same from the point aforesaid where the said refuse enters Black's Run or Grassy Creek to the point where Cook's Creek empties into North River, so as to render ( at the point where the said Valley Turnpike crosses said Black's Run and at diverse other places where said Valley Turnpike comes in close proximity with said streams and at the said points where the said public county roads cross said stream and wherever

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the public come in contact with said streams) the said streams, to-wit, Black's Run, or Grassy Creek, and Cook's Creek impure, unwholesome, dangerous and uncomfortable and offensive to the public passing and re-passing said public highway: *and otherwise coming in contact with said streams of water* and so the Jurors aforesaid, upon their oaths aforesaid, do say that the said J. P. Houck Tanning Company as aforesaid, then and there by means and in the manner aforesaid, did unlawfully corrupt and pollute the water of the said streams, to-wit, Black's Run, or Grassy Creek, and Cook's Creek, and thereby did then and there *unlawfully* render the same unwholesome, dangerous and offensive to man and beast, and thereby *thus* did unlawfully contaminate, corrupt and fill the atmosphere with noisome, offensive and unwholesome odors, stenches and smells to the great damage, injury, and common nuisance of all the citizens of the Commonwealth of Virginia residing in the neighborhood and passing thereby, and against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of G. L. Rhodes, G. W. Lince, Adam Heathcock, G. H. Lince, Dr. C. E. Cuyler, H. A. Lago, C. F. Painter, A. B. Miller, A. P. Ballantine, W. C. <sup>L. J. Lawrence</sup> witnesses sworn in open Court and sent before the Grand Jury to give evidence

Executed August 5th, 1914, by delivering a certified copy of the within indictment to ~~W. H. Dowling in person, he being the Mayor of the town of Harrisonburg, Virginia, a municipal corporation in the town of Harrisonburg where he the said Mayor resides, and by delivering a like copy of the within indictment to~~ J. T. Houck in person, he being the secretary and treasurer of the J. P. Houck Lumber Company, a corporation in the town of Harrisonburg, Rockingham County, Virginia, where he resides and the principal office of the said corporation is located and where the said secretary and treasurer's place of business is.

Robt. Long, Deputy for  
D. E. Croushorn, Sheriff Rockingham County.

No 3

Commonwealth

vs  
Indictment

J. P. Houck Lumber  
Company

Hon. Wickersham

A true bill

E. B. Hopkins

Prosecutor

COMMONWEALTH OF VIRGINIA,  
COUNTY OF ROCKINGHAM, to-wit:

In the Circuit 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 July term, in the year 1914, upon their oaths present:

That at the time of the committing of the nuisance hereinafter mentioned there was and is yet a certain stream of water called "Black's Run" or "Grassy Creek," extending and flowing from the town of Harrisonburg to a point where the said stream of water flows into another stream of water called "Cook's Creek" and from the confluence of the two streams of water continues to flow with Cook's Creek to and into North River, the said town of Harrisonburg, the said flow of said streams of water from Harrisonburg to a point on North River, and the said North River at the point where said streams enter therein, being in the said county of Rockingham; that at the time of the committing of the nuisance hereinafter mentioned, there was and is yet a common highway called the "Valley Turnpike", in said county, leading from said town of Harrisonburg to said North River in said county at a point near where said Cook's Creek empties into North River, said Valley Turnpike crossing said stream of water, to-wit, Black's Run, about one and a half miles south of the county court house in said town of Harrisonburg, and leading very near said stream at divers points between the point where it crosses Black's Run and the point where Cook's Creek empties into North River; that, at the time of the committing of the nuisance hereinafter mentioned, there were and are yet between the point where the said Valley Turnpike crosses said Black's Run, as aforesaid, and the point where Cook's Creek empties into North River, divers points, to-wit, seven points where public county roads cross said Black's Run or Grassy Creek and Cook's Creek, upon which public county roads and said



Valley Turnpike citizens of this Commonwealth travel, pass and re-pass, go and return; that the said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek, from the said town of Harrisonburg to where said streams flow into said North River, flow through a thickly settled country and the water from said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek is valuable to the inhabitants along the same for watering their stock and other domestic purposes, and to the public generally where accessible and not polluted or contaminated; that the said town of Harrisonburg is a municipality chartered by the General Assembly of the State of Virginia, has a population of nearly five thousand inhabitants and had at the time of the committing of the nuisance hereinafter mentioned, and still has, a sewer in use for the benefit of said town and the inhabitants thereof; that the said town of Harrisonburg, on the \_\_\_\_\_ day of \_\_\_\_\_, 1914, and on divers other days within the last twelve months, in the said county, did unlawfully empty the contents of the sewer of the said town into the said stream of water, to-wit, Black's Run, or Grassy Creek, above or north of the point of the point where the said Valley Turnpike crosses said stream about one and a half miles south of the county court house in said town (said contents of said sewer being the filth, slops, dung and human excrement from the inhabitants of said town ~~and all the germs of disease incident thereto~~, together with the foul and nauseous refuse both ~~solid and liquid~~ from a large tannery for the manufacture of leather, to-wit, the J. P. Houck Tannery located in said town) <sup>and all the germs of disease incident thereto</sup> and then and there did unlawfully cause the noisome, filthy, offensive and unwholesome contents of said sewer to mix with the water of said stream of water and to continue to mix with the same from the point where the said sewer empties into the said Black's Run or Grassy Creek to the point where Cook's Creek empties into North River, so as to render (at the point

*X that at the time of the committing of the nuisance hereinafter mentioned there was and yet is located in the said town of Harrisonburg in the said County a large quantity of lumber to-wit, the J. P. Houck Tannery, owned and operated by the J. P. Houck Tannery Company, a corporation, making the laws of Virginia at and from which a quantity of unsalable, stumps, foul and offensive refuse has been cast off and thrown away but placed in the sewer of the said town, Harrisonburg, mentioned above and with the contents of the sewer.*

Valley forming a distance of this distance to travel, pass and re-  
 turn, on every Creek, and Cook's Creek from the said town of Har-  
 rington to where said stream flows into said North River, flow  
 through a thickly settled country and the water flow said stream is  
 water, in view, Cook's Creek, or every Creek, and Cook's Creek is  
 viewed as the important thing the same for extending said stream  
 and other domestic purposes, and as the public generally have known  
 since and has collected or contemplated that the said town of Har-  
 rington is a municipally chartered by the Board of Health of  
 the State of Virginia, has a population of nearly five thousand in-  
 habitants and has at the time of the location of the mill race  
 been a town of considerable importance and a place of business  
 and a place of considerable importance.

and that the said town of Harrington is a municipally chartered  
 by the Board of Health of the State of Virginia, has a population  
 of nearly five thousand inhabitants and has at the time of the  
 location of the mill race been a town of considerable importance  
 and a place of business and a place of considerable importance.  
 as shown by the fact that within the last thirty years, in the  
 year, the said town of Harrington has been a town of considerable  
 importance and a place of business and a place of considerable  
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 of considerable importance.

where the said Valley Turnpike crosses said Black's Run and at  
 diverse other places where said Valley Turnpike comes in close prox-  
 imity with said streams and at the said points where the said pub-  
 lic county roads cross said stream and wherever the public come  
 in contact with said streams) the said streams, to-wit, Black's  
 Run, or Grassy Creek, and Cook's Creek impure, unwholesome, dangerous  
 and uncomfortable and offensive to the public passing and re-passing  
 said public highways: *and otherwise running in contact with said streams*  
 and so the Jurors aforesaid, upon their oaths *and the aid of P. H. Jones & Company as aforesaid*  
 aforesaid, do say that the said Town of Harrisonburg as aforesaid,  
 then and there by means and in the manner aforesaid, did unlawfully  
 corrupt and pollute the water of the said streams, to-wit, Black's  
 Run, or Grassy Creek, and Cook's Creek, and thereby did then and  
 there render the same unwholesome, dangerous and offensive to man  
 and beast, and thereby did unlawfully contaminate, corrupt and fill  
 the atmosphere with noisome, offensive and unwholesome odors, stench-  
 es and smells to the great damage, injury, and common nuisance of  
 all the citizens of the Commonwealth of Virginia residing in the  
 neighborhood and passing thereby, and against the peace and dignity  
 of the Commonwealth of Virginia.

*Upon the evidence of G. L. Rhoads, G. W. Pinner, Adam  
 Heatwole, G. H. Leach, Dr. G. E. Ganger, H. A. Lays, C. H. H.  
 Pender, A. B. Miller, A. P. Battentine, W. G. Linder, O. H.  
 Summers  
 Witnesses sworn in open court and sent before  
 the Grand Jury to give evidence.*

*[Faint, illegible text]*

*[Faint, illegible text]*

Executed August 5th, 1914, by delivering a certified copy of the within indictment to J. T. Houck in person, he being the secretary and treasurer of the J. P. Houck Canning Company, a corporation in the town of Harrisonburg, Rockingham County, Virginia, where he resides, and where the principal office of the said corporation is located, and where the said secretary and treasurer's place of business is.

Robt Long, Deputy for  
D. E. Croushorn, Sheriff Rockingham County.

Executed August 5th, 1914, by delivering a certified copy of the within indictment to J. H. Downing in person, he being the Mayor of the town of Harrisonburg, Virginia, a municipal corporation in the town of Harrisonburg, where he the said Mayor resides.

Robt Long, Deputy for  
D. E. Croushorn, Sheriff Rockingham County.

Ms. 1, 27  
3

Enclosed

is

one of Harrisonburg  
J. P. Houck Canning Company

for

A true bill

E. B. Stephens  
Attorney



COMMONWEALTH OF VIRGINIA,  
COUNTY OF ROCKINGHAM, to-wit:

In the Circuit 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 July term, in the year 1914, upon their oaths present:

That at the time of the committing of the nuisance hereinafter mentioned there was and is yet a certain stream of water called "Black's Run" or "Grassy Creek," extending and flowing from the town of Harrisonburg to a point where the said stream of water flows into another stream of water called "Cook's Creek" and from the confluence of the two streams of water continues to flow with Cook's Creek to and into North River, the said town of Harrisonburg, the said flow of said streams of water from Harrisonburg to a point on North River, and the said North River at the point where said streams enter therein, being in the said county of Rockingham; that at the time of the committing of the nuisance hereinafter mentioned, there was and is yet a common highway called the "Valley Turnpike", in said county, leading from said town of Harrisonburg to said North River in said county at a point near where said Cook's Creek empties into North River, said Valley Turnpike crossing said stream of water, to-wit, Black's Run, about one and a half miles south of the county court house in said town of Harrisonburg, and leading very near said stream at diverse points between the point where it crosses Black's Run and the point where Cook's Creek empties into North River; that, at the time of the committing of the nuisance hereinafter mentioned, there were and are yet between the point where the said Valley Turnpike crosses said Black's Run, as aforesaid, and the point where Cook's Creek empties into North River, diverse points, to-wit, seven points where public county roads cross said Black's Run or Grassy creek and Cook's Creek, upon which public county roads and said

COMMONWEALTH OF VIRGINIA,  
COUNTY OF ROCKINGHAM, ss:

In the Circuit Court of said County.

The Petition of the Respondents in Virginia, 11 and 12  
the case of the County of Rockingham, and now standing the said  
County of the said County, in the year 1854, then their said  
That at the time of the commission of the nuisance herein-  
after mentioned there was and is yet a certain stream of water called  
of "Black's Run" or "Gandy's Creek," extending and flowing from the  
town of Harrisonburg to a point where the said stream of water flows  
into another stream of water called "Cook's Creek," and from the con-  
fluence of the two streams of water continues to flow with Cook's  
Creek to and into North River, the said town of Harrisonburg, the  
said stream of water from Harrisonburg to a point in  
North River, and the said North River at the point where said stream  
enters therein, being in the said County of Rockingham; that at the  
time of the commission of the nuisance hereinbefore mentioned, this  
run was and is yet a certain highway called the "Valley Turnpike," in  
said County, leading from said town of Harrisonburg to said North  
River in said County at a point near where said Cook's Creek empties  
into North River, said Valley Turnpike crossing said stream of water,  
to-wit, Black's Run, about one and a half miles north of the County  
seat there to said town of Harrisonburg, and leading very near said  
stream at divers points between the said points it crosses Black's  
Run and the point where Cook's Creek empties into North River; that  
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pike crosses said Black's Run, as aforesaid, and the point where  
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Creek and Cook's Creek, upon which public County roads and said

Valley Turnpike citizens of this Commonwealth travel, pass and re-pass, go and return; that the said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek from the said town of Harrisonburg to where said streams flow into said North River, flow through a thickly settled country and the water from said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek is valuable to the inhabitants along the same for watering their stock and other domestic purposes, and to the public generally where accessible and not polluted or contaminated; that the said town of Harrisonburg is a municipality chartered by the General Assembly of the State of Virginia, has a population of nearly five thousand inhabitants and had at the time of the committing of the nuisance hereinafter mentioned, and still has, a sewer in use for the benefit of said town and the inhabitants thereof; that the said town of Harrisonburg<sup>+</sup> on the \_\_\_\_\_ day of \_\_\_\_\_, 1914, and on diverse other days within the last twelve months, in the said county, did unlawfully empty the contents of the sewer of the said town into the said stream of water, to-wit, Black's Run, or Grassy Creek, above or north of the point ~~of the point~~ where the said Valley Turnpike crosses said stream about one and a half miles south of the county court house in said town (said contents of said sewer being the filth, slops, dung and human excrement from the inhabitants of said town ~~and all the germs of disease incident thereto~~, together with the foul and nauseous refuse ~~both solid and liquid~~ from a large tannery for the manufacture of leather, to-wit, the J. P. Houck Tannery located in said town) <sup>and all the germs of disease incident thereto</sup> and then and there did unlawfully cause the noisome, filthy, offensive and unwholesome contents of said sewer to mix with the water of said stream of water and to continue to mix with the same from the point where the said sewer empties into the said Black's Run or Grassy Creek to the point where Cook's Creek empties into North River, so as to render (at the point



where the said Valley Turnpike crosses said Black's Run and at  
divers other places where said Valley Turnpike comes in close prox-  
imity with said streams and at the said points where the said pub-  
lic county roads cross said stream and wherever the public come  
in contact with said streams) the said streams, to-wit, Black's  
Run, or Grassy Creek, and Cook's Creek impure, unwholesome, dangerous  
and uncomfortable and offensive to the public passing and re-passing  
said public highways; *and otherwise coming in contact with said streams of water*  
and so the Jurors aforesaid, upon their oaths  
aforesaid, do say that the said Town of Harrisonburg as aforesaid,  
then and there by means and in the manner aforesaid, did unlawfully  
corrupt and pollute the water of the said streams, to-wit, Black's  
Run, or Grassy Creek, and Cook's Creek, and thereby did then and  
*unlawfully* there, render the same unwholesome, dangerous and offensive to man  
and beast, and thereby, *thereby* did unlawfully contaminate, corrupt and fill  
the atmosphere with noisome, offensive and unwholesome odors, stench-  
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all the citizens of the Commonwealth of Virginia residing in the  
neighborhood and passing thereby, and against the peace and dignity  
of the Commonwealth of Virginia.

where the said Valley Township crosses said Black's Run and at  
 divers other places where said Valley Township comes in close prox-  
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 Run, or Grassy Creek, and Cook's Creek) are, unwholesome, dangerous  
 and unbecomingly and offensive to the public health and respect-  
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 aforesaid, do say that the said Town of Harrisonburg as aforesaid,  
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 Run, or Grassy Creek, and Cook's Creek, and thereby did then and  
 there render the same unwholesome, dangerous and offensive to man  
 and beast, and thereby did unlawfully contaminate, corrupt and fill  
 the atmosphere with noxious, offensive and unwholesome odors, stench-  
 es and smells to the great damage, injury, and common nuisance of  
 all the citizens of the Commonwealth of Virginia residing in the  
 neighborhood and passing thereby, and against the peace and dignity  
 of the Commonwealth of Virginia.

And the Jurors aforesaid upon their oaths aforesaid do further present:

That at the time of the committing of the nuisance hereinafter mentioned there was and is yet a certain stream of water called "Black's Run" or "Grassy Creek," extending and flowing from the town of Harrisonburg to a point where the said stream of water flows into another stream of water called "Cook's Creek" and from the confluence of the two streams of water continues to flow with Cook's Creek to and into North River, the said town of Harrisonburg, the said flow of said streams of water from Harrisonburg to a point on North River, and the said North River at the point where said streams enter therein, being in the said county of Rockingham; that at the time of the committing of the nuisance hereinafter mentioned, there was and is yet a common highway called the "Valley Turnpike", in said county, leading from said town of Harrisonburg to said North River in said county at a point near where said Cook's Creek empties into North River, said Valley Turnpike crossing said stream of water, to-wit, Black's Run, about one and a half miles south of the county court house in said town of Harrisonburg, and leading very near said stream at divers points between the point where it crosses Black's Run and the point where Cook's Creek empties into North River; that, at the time of the committing of the nuisance hereinafter mentioned, there were and are yet between the point where the said Valley Turnpike crosses said Black's Run, as aforesaid, and the point where Cook's Creek empties into North River, divers points, to-wit, seven points where public county roads cross said Black's Run or Grassy

and the survey stations upon their table placed as follows

1862

That at the time of the commission of the messengers  
of the United States and in the certain absence of other  
evidence the fact of "James Cook" crossing the strait  
between the continents is established by the fact that  
the United States and Great Britain were at that time  
at war and the fact that the United States was at that  
time in possession of the strait is established by the fact  
that the United States was at that time in possession of  
the strait.

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creek and Cook's Creek, upon which public county roads and said Valley Turnpike citizens of this Commonwealth travel, pass and re-pass, go and return; that the said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek, from the said town of Harrisonburg to where said streams flow into said North River, flow through a thickly settled country and the water from said streams of water, to-wit, Black's Run, or Grassy Creek, and Cook's Creek is valuable to the inhabitants along the same for watering their stock and other domestic purposes, and to the public generally where accessible and not polluted or contaminated; that the said town of Harrisonburg is a municipality chartered by the General Assembly of the State of Virginia, has a population of nearly five thousand inhabitants, and had) at the time of the committing of the nuisance hereinafter mentioned, and still has, a sewer in use for the benefit of said town and the inhabitants thereof; that the said town of Harrisonburg on the \_\_\_\_\_ day of \_\_\_\_\_, 1914, and on divers other days within the last twelve months, in the said county, did unlawfully empty the contents of the sewer of the said town into the said stream of water, to-wit, Black's Run or Grassy Creek, above or north of the point where the said Valley Turnpike crosses said stream about one and a half miles south of the county court house in said town ( said contents of said sewer being the filth, slops, dung and human excrement from the inhabitants of said town and all the germs of disease incident thereto) and then and there did unlawfully cause the noisome, filthy, offensive and unwholesome contents of said sewer to mix with the water, ~~of said~~ ~~sewer to mix with the water~~ of said stream of water and to continue to mix with the same from the point where the said sewer empties into the said Black's Run or Grassy Creek to the point where Cook's Creek empties into North River, so as to render ( at the point where the said Valley Turnpike crosses said Black's Run and at divers other places where said Valley Turnpike comes in close proximity with said streams and at the said points where the said public

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second section of faint, illegible text, appearing to be a main body of the document.

Third section of faint, illegible text, continuing the main body of the document.

Fourth section of faint, illegible text, likely the concluding part of the document.

county roads cross said stream and wherever the public come in contact with said streams) the said streams, to-wit Black's Run, or Grassy Creek, and Cook's Creek impure, unwholesome, dangerous and uncomfortable and offensive to the public passing and re-  
*and otherwise coming in contact with said streams & water*  
passing said public highways; and to the Jurors aforesaid, upon their oaths aforesaid, do say that the said Town of Harrisonburg as aforesaid, then and there by means and in the manner aforesaid, did unlawfully corrupt and pollute the water of the said streams, to-wit, Black's Run, or Grassy Creek, and Cook's Creek, and thereby did then *unlawfully* and there *render* the same unwholesome, dangerous and offensive to man and beast, and thereby *then & there* did unlawfully contaminate, corrupt and fill the atmosphere with noisome, offensive and unwholesome odors, stenches and smells to the great damage, injury, and common nuisance of all the citizens of the Commonwealth of Virginia residing in the neighborhood and passing thereby, and against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of C. L. Rhodes, C. W. Pinner, Adams Neutrale, C. H. Lewis, D. E. Gagner, H. J. Lugo, C. T. Painter, A. B. Miller, A. P. Battleground, W. C. Landon, witnesses sworn in open Court and sent before the Grand Jury to give evidence

Executed August 5th, 1914, by delivering a certified copy of the within indictment to J. H. Downing in person, he being the Mayor of the town of Harrisonburg, Virginia, a municipal corporation in the town of Harrisonburg, Virginia, where he the said Mayor resides.

Robt Long, Deputy for  
D. E. Croushorn, Sheriff Rockingham County.

9107  
Downing 1  
Downing 25  
Judicial  
Town of Harrisonburg  
For Middlemense  
Three file  
E. B. Hopkins  
Forwms