

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 Circuit Court of said county, <sup>at its August term 1919</sup> UPON THEIR OATHS PRESENT, that Burn Bare and Thomas M. Bare within one year next prior to the finding of this indictment, in said County, did unlawfully manufacture, sell, offer, keep, store and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits,

against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that

against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of

Frank Nozlesord  
Ezra Dore  
Allent Dore

witnesses sworn in Court and sent before the Grand Jury to give evidence.

August term, 1919.

Mapp law violation.

**COMMONWEALTH**

vs. **Indictment**

Burn Bare and

Thomas M. Bare

~~For Felony~~

For Misdemeanor

*not* A TRUE BILL

*Jno P. Duke*  
Foreman

Harry M. Strickler  
Commonwealth's Atty.

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 Circuit Court of said county, <sup>at its August term, 1919,</sup> UPON THEIR OATHS PRESENT, that Thomas M. Bare on the 5th day of July, 1919, about the hour of ten o'clock in the night time of that day, did unlawfully, feloniously and maliciously set fire to and burn a certain dwelling-house of one Isaac Custer situated in said County,

against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that

against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Isaac Custer

A. D. Brennan, J. B. Cooper.

witnesses sworn in Court and sent before the Grand Jury to give evidence.

Bruce Shickle, J. H. Custer,  
Wm Roadcap - Welden Shickle -  
James Custer,

*We the jury find the accused not guilty  
J. Holme Moore (Foreman)*

August term, 1919.

burning dwelling-  
house in night time.

**COMMONWEALTH**  
vs. **Indictment**

Thomas M. Bare.

**For Felony**  
~~**For Misdemeanor**~~

**A TRUE BILL**

J. P. Burke  
Foreman

*Plea N. G.  
Set for Aug 26*

Harry M. Strickler  
Commonwealth's Atty.

Commonwealth

vs.

Charge.

Thomas M. Bare

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

If you find the defendant guilty of malicious burning the dwelling-house of Isaac Custer, in the night time, as charged in the indictment, ~~and~~ there being no one in the house at the time, you will ascertain his punishment by confinement in the penitentiary so that such confinement shall be not less than five years and not more than ten years.

Commonwealth

vs.

Thomas M. Barr

Charge

If you find the defendant not guilty you will say so and not

more.

If you find the defendant guilty of malicious burning the

dwelling-house of Isaac Carter, in the night time, as charged in  
the indictment, and there being no one in the house at the time,  
you will ascertain his punishment by confinement in the peniten-  
tiary so that such confinement shall be not less than five years  
and not more than ten years.

*George*

*Done  
V.  
Thomas M. Barr*

The Court instructs the jury that in this case, as in all criminal cases, the prisoner's plea of not guilty raises a presumption of innocence in his favor and puts upon the Commonwealth the burden of proving his guilt beyond reasonable doubt. If therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances proven in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

The Court instructed the jury that in this case, as in  
all criminal cases, the prisoner's plea of not guilty raises a  
presumption of innocence in his favor and puts upon the  
prosecution the burden of proving his guilt beyond a reasonable doubt.  
It further, upon a consideration of the facts and the  
evidence, upon a consideration of the weight of the evidence,  
and the circumstances proved in evidence,  
there exists in the mind of the jury a reasonable doubt as to  
the guilt of the accused, they should find him not guilty.



INSTRUCTION NO. 3.

INSTRUCTION NO. 2.

The defendant is presumed to be innocent until his guilt is established beyond reasonable doubt, and he is not to be prejudiced by his failure to point out any other criminal agent, nor is he called upon to vindicate his innocence by naming or attempting to name the guilty person.

INSTRUCTION NO. 3.

The Court instructs the jury that circumstances that give rise to a mere suspicion, will not warrant a conviction, but to that end the circumstances must be of such force as to convince the jury beyond reasonable doubt of the guilt of the accused. And where the Commonwealth relies upon circumstantial evidence for conviction, it is the duty of the jury to scan the evidence with great caution.

INSTRUCTION NO. 2.

The defendant is presumed to be innocent until his guilt is established beyond reasonable doubt, and he is not to be prejudiced by his failure to point out any other criminal agent, nor is he called upon to vindicate his innocence by naming or attempting to name the guilty person.

INSTRUCTION NO. 3.

The Court instructs the jury that circumstances that give rise to a mere suspicion, will not warrant a conviction, but to that end the circumstances must be of such force as to convince the jury beyond reasonable doubt of the guilt of the accused. And where the Commonwealth relies upon circumstantial evidence for conviction, it is the duty of the jury to scan the evidence with great caution.

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INSTRUCTION NO. 3½.

The Court instructs the jury that if they believe from the evidence that Thomas M. Bare entered the house of Isaac Easter on the night of the fire, then they are to find that the fire was due to a criminal act. The Court instructs the jury that when a building is burned, the presumption of law is that the fire was due to an accident rather than to a criminal act; and the burden rests on the Commonwealth to show that it was due to the criminal agency of the accused.

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The Court instructs the jury that when a building is burned, the presumption of law is that the fire was due to an accident rather than to a criminal act; and the burden rests on the Commonwealth to show that it was due to the criminal agency of the accused.

The Court instructs the jury that if they believe from the evidence that Thomas M. Bare entered the house of Isaac Custer on the night of July the 5th, 1919, with intent to commit larceny therein, and accidentally set fire to and burned the said house then they must find him guilty of maliciously burning the dwelling-house of the said Isaac Custer in the night time, as charged in the indictment.

any of the witnesses and the circumstances shown in evidence, and the weight in the mind of the jury is reasonable doubt as to the guilt of the accused, they should find him not guilty.

... to convince the jury beyond reasonable doubt of the guilt of the accused. and where the State is unable to prove its case by direct evidence, it is the duty of the jury to sum the evidence with great caution.

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The Court instructs the jury that if they believe from the evidence that Thomas M. Bare entered the house of Jesse Quarter on the night of July the 25th, 1919, with intent to commit larceny therein, and accidentally set fire to and burned the said house then they must find him guilty of maliciously burning the dwelling-house of the said Jesse Quarter in the night time, as charged in the indictment.

ment.

The jury is instructed that if they believe from the evidence that the defendant set fire to and burned the dwelling-house of the said Jesse Quarter in the night time, as charged in the indictment, then they must find him guilty of maliciously burning the dwelling-house of the said Jesse Quarter in the night time, as charged in the indictment.

5-

INSTRUCTION NO \_\_\_\_\_

The Court instructs the jury that the credibility of witnesses is a matter exclusively for the jury. When witnesses testify in opposition to each other, the jurors do not have to regard the evidence as evenly balanced or to accord belief to the greater number, but they have a right to determine from the bearing of the witnesses on the witness stand, their manner of testifying, their candor and fairness, or the lack of it, their interest in the result of the case, their relationship to the parties concerned, and from all the circumstances appearing on the trial, which witnesses are the more worthy of credit and to give credit accordingly.

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that the credibility of witnesses is a matter exclusively for the jury. When witnesses testify in opposition to each other, the jurors do not accord belief to the greater number, but they have a right to determine from the bearing of the witnesses on the witness stand, their manner of testifying, their candor and fairness, or the lack of it, their interest in the result of the case, their relationship to the parties concerned, and from all the circumstances appearing on the trial, which witnesses are the more worthy of credit and to give credit accordingly.



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 Circuit Court of said County, at its October term, 1919, upon their oaths present, that Thomas M. Bare on June the 4th, 1919, in the night time of that day, in said County, did feloniously break and enter the dwelling-house of one J.D. Custer, with intent the goods and chattels of the said J.D. Custer in the said house then and there being, feloniously to steal, take and carry away.

And a certain sum of money, United States Currency, the exact amount to the grand jurors unknown, of the goods and chattels of Georgia Custer and Sallie Custer in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that Thomas M. Bare, on the 4th day of June, 1919, in the night time of that day, in said County, did feloniously enter, without breaking, the dwelling-house of one J.D. Custer with intent the goods and chattels of the said Custer in the said house then and there being, feloniously to steal, take and carry away.

And a certain sum of money, United States Currency, the exact amount to the grand jurors unknown, of the goods and chattels of Georgia Custer and Sallie Custer in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that Thomas M. Bare on the 7th day of June, 1919, in the night time of that day, in said county, did feloniously break and enter the dwelling-house of one J.D. Custer, with intent the goods and chattels of the said J.D. Custer, in the said house then and there being, feloniously to steal, take and carry away.

And one flashlight of the value of one dollar, of the goods and chattels of J.D. Custer, in the said house then and there being found, then and there feloniously did steal, take and carry away against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that Thomas M. Bare, on the 7th day of June, 1919, in the night time of that day, in said County, did feloniously enter, without breaking, the dwelling-house of one J.D. Custer, with intent the goods and chattels of the said J.D. Custer, in the said house then and there being, feloniously to steal, take and carry away.

And one flashlight, of the value of one dollar, of the goods and chattels of the said J.D. Custer, in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of David Fried  
and J.D. Custer, John Hess, Bunk Shickler  
witnesses sworn in Court and sent before the Grand Jury to give  
evidence.

Heldon Shickler, J. Hess

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 circuit Court of said county, at its October term, 1919, upon their oaths present, that Thomas M. Bare on June 4th, 1919, in the night time of that day, in said county, did feloniously break and enter the dwelling-house of one J.D. Guster, with intent the goods and chattels of the said J.D. Guster in the said house then and there being, feloniously to steal, take and carry away.

And a certain sum of money, United States currency, the exact amount to the grand jurors unknown, of the goods and chattels of Georgia Guster and Sallie Guster in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESUMPT, that Thomas M. Bare, on the 4th day of June, 1919, in the night time of that day, in said county, did feloniously enter, without breaking, the dwelling-house of one J.D. Guster with intent the goods and chattels of the said Guster in the said house then and there being, feloniously to steal, take and carry away.

And a certain sum of money, United States currency, the exact amount to the grand jurors unknown, of the goods and chattels of Georgia Guster and Sallie Guster in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESUMPT, that Thomas M. Bare on the 7th day of June, 1919, in the night time of that day, in said county, did feloniously break and enter the dwelling-house of one J.D. Guster, with intent the goods and chattels of the said J.D. Guster, in the said house then and there being, feloniously to steal, take and carry away.

And one flashlight of the value of one dollar, of the goods and chattels of J.D. Guster, in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID UPON THEIR OATHS AFORESAID, DO FURTHER PRESUMPT, that Thomas M. Bare, on the 7th day of June, 1919, in the night time of that day, in said county, did feloniously enter, without breaking, the dwelling-house of one J.D. Guster, with intent the goods and chattels of the said J.D. Guster, in the said house then and there being, feloniously to steal, take and carry away.

And one flashlight, of the value of one dollar, of the goods and chattels of the said J.D. Guster, in the said house then and there being found, then and there feloniously did steal, take and carry away, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of

witnesses sworn in court and sent before the grand jury to give evidence.

*Handwritten signatures and notes at the bottom of the page.*

~~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 Circuit  
AND THE JURORS AFORESAID~~

UPON THEIR OATHS PRESENT, that Thomas M. Bare  
on June the 7th, 1919, in the day + time of that day, in said County,  
did feloniously break and enter the dwelling-house of one J.D.Custer,  
with intent the goods and chattles of the said J.D.Custer in the said  
house then and there being, feloniously to steal, take and carry away.  
And ~~xxxxxx of money, United States Currency, the exact amount~~  
~~to the grand jurors not known~~ one flash-light of the value of one  
dollar ~~and a pair of overalls of the value of one dollar~~, of the goods  
and chattels of the said J.D.Custer in the said house then and there  
being found, then and there feloniously did steal, take and carry away,  
against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO  
FURTHER PRESENT, that Thomas M. Bare, on the 7th day of June, 1919, in the  
day + time of that day, in said County, did feloniously break, and  
enter the dwelling-house of one J.D.Custer, with intent the goods and  
chattles of the said J.D.Custer in the the said house then and there be-  
ing, feloniously to steal, take and carry away. And a certain sum of  
money, United States Currency, the exact amount to the grand jurors not  
known, ~~xxx flash-light of the value of fifty cents and a pair of overalls~~  
of the goods and chattels of Georgia Custer and relief of the said  
Custer, in the said house then and there being found, then and there  
feloniously did steal, take and carry away,

against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of \_\_\_\_\_

\_\_\_\_\_,  
witnesses sworn in Court and sent before the Grand Jury to give  
evidence.

~~August~~ <sup>October</sup> term, 1919.

Burglary

**COMMONWEALTH**  
vs. **Indictment**

Thomas M. Bare

**For Felony**

~~For Misdemeanor~~

**A TRUE BILL**

W. P. R. Weaver  
Foreman

*Copies ✓*

*Plea of not guilty*

*In*

Harry M. Strickler  
Commonwealth's Attorney.

Commonwealth

vs

Thomas M. Dana

On 3<sup>d</sup> Vermin in this case  
The Sheriff is directed to summon  
to persons from the following  
list to complete the panel of  
the jury for the above case:

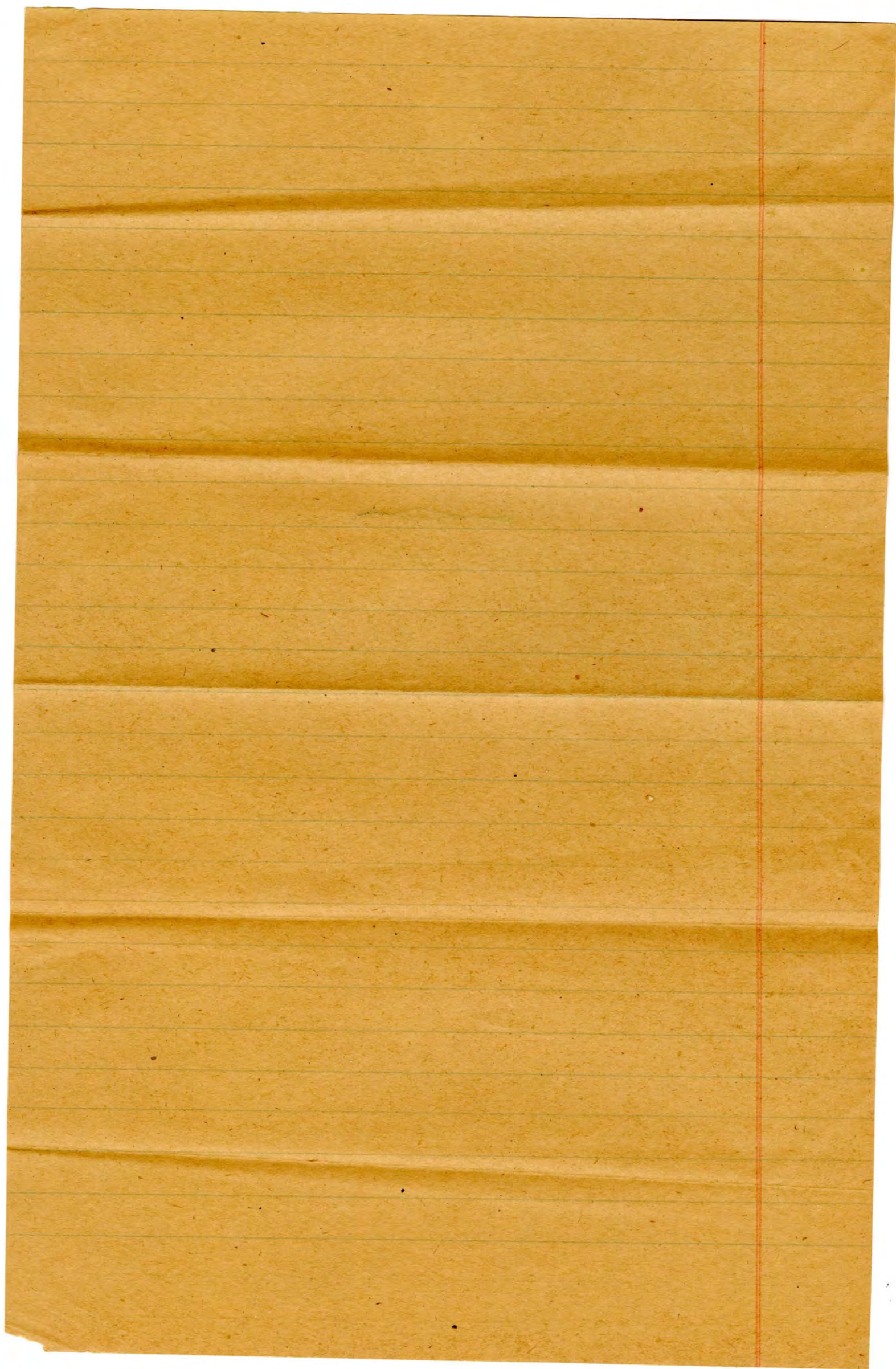
J. H. Miller ✓

~~R. P. Boone~~

J. S. Foley ✓

Aug, 27<sup>th</sup> 1899

J. H. Miller



Commonwealth

vs  
Thomas M. Beane

This list of persons is  
furnished the Sheriff from which to  
draw names from to complete the panel  
of the jury for the above case under  
the 2d venire issued in this  
case.

W. H. Hawkins ✓

S. L. Chapman ✓

Thomas Wintermyer ✓

J. W. Beckeme ✓

Wm. M. J. Whissen ✓

A. Z. Jones ✓

Aug. 27. 1919

J. H. H.





Leon  
vs - } Free  
Thomas M. Bane  
#

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V. C. Miller  
M. H. Harrison  
S. L. Funkhouser  
H. J. Wampler  
J. Holmes Moore  
C. H. Berry  
G. D. Baker  
A. J. Lewis  
L. Moore Sauer  
J. F. Beckner  
S. L. Chapman  
S. H. Miller



420  
142  

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562

576

44

44

We the jurors in the case  
of the Commonwealth vs  
Thos Bare find the  
defendant Not guilty

J. Holmes Moon (Foreman)

1. The first part of the paper is

the introduction, which is

very interesting and

gives a good idea of the

author's point of view.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon two persons of the county of Rockingham, to be taken from a list furnished by the Judge of the Circuit Court of Rockingham County 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 <sup>for</sup> before the Circuit Court of Rockingham County, at the County Court House, on the 27 day of Aug, 1919, to serve as Jurors upon the trial of Thomas M. Boone 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. F. Blackburn, Clerk of our said Court, at the Court House, the 27 day of Aug, 1919 and in the 144 year of the Commonwealth.

J. F. Blackburn Clerk.

Executed by Sumnering The  
following list furnished by the  
Court-Asqmons, S. A. Miller &  
J. S. Feloy. This the 27 day of aug 1919.  
W. D. Dillard S.R.O.

Case - 3  
vs 4<sup>th</sup> writ - v  
Thomson & Bone

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon Five persons of the county of Rockingham, to be taken from a list furnished by the Judge of the Circuit Court of Rockingham County 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 <sup>forthwith</sup> before the Circuit Court of Rockingham County, at the County Court House, on the 27 day of August 1919, to serve as Jurors upon the trial of Thomas M. Bare 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. F. Blackburn, Clerk of our said Court, at the Court House, the 27 day of August, 1919 and in the 144 year of the Commonwealth.

J. F. Blackburn Clerk.

Examined by Sumnering The  
following List of Jurors as furnished  
by The Court - St. J. Hawkins  
L. S. Chapman, Thomas. Wanklyn,  
J. T. Beckner, J. M. F. Hissant &  
A. Z. Sauer. This List of August 1914  
W. L. Dillard (D.R.)

leila 2  
18 y Venire Socii  
Thomas M. Sauer



Arrest Warrant

COMMONWEALTH OF VIRGINIA, }  
ROCKINGHAM COUNTY, } TO WIT:

To the Sheriff or any \_\_\_\_\_, a Constable of said County:  
City of Richmond, Va.

Whereas, G. W. Scott, agt. Bureau of Insurance, of the said County, has this day made  
complaint and information on oath before me, J. C. Cooper a Justice of the said County, that  
Thomas M. Bare

of the said County, on the 5 day of July 1919, in the said County, did  
feloniously and maliciously, in the night of that day, rob and burn the  
dwelling-house of Isaac W. Custer, situated in said County:

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

Thomas M. Bare  
to answer the said complaint and to be further dealt with according to law. And you are required to summon  
A. D. Breneman, Clara Breneman, A. R. Shickle, Brunk Shickle, C. S. Fawley  
Cal. Fawley, John Hess, I. W. Custer, Chas. R. Roadcap and G. W. Scott, Frank Nazelrod  
Elsie See, Catherine See,  
to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 29 day of July, in the year 1919.

*J. C. Cooper* J. P. [SEAL]

Commonwealth

vs

Arrest Warrant.

Thomas M. Bare

Executed the within warrant by arresting  
and delivering the body of

Thomas M. Bare  
to Jailer of Rockingham  
before *J. C. Carpenter*,  
a Justice of Rockingham County, and by sum-  
moning the within named witnesses in person,

this 30 day of July 1919

Chas. H. Bailey J.P.  
Constable of Rockingham County.

The judgment of the Court is that Thomas  
M. Bare the defendant be held to await the action  
of the next Grand Jury

J. C. Carpenter, J.P.

J. B. S. Cateliff, J.P.

Milton Haltemann, J.P.

Commonwealth

vs =

Thomas M Bore

- (1) Mapp law violation
- (2) Burglary
- (3) Burning dwellinghouse.

Wm. G. Smith

