

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon Geo. R. Black

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the 5 day of the February Court next, being the 2<sup>nd</sup> day of February 1901 ~~189~~, to testify and the truth to say in behalf of the Commonwealth against J. Morgan, <sup>16</sup> Davies

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 13<sup>r</sup> day of February 1901, ~~189~~, and in the 125<sup>th</sup> year of the Commonwealth.

J. S. Messerley, Clerk.

Geo. R. Black

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon Wes. R. Black

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10 o'clock, a. m., on the 5<sup>r</sup> day of this December Court ~~next~~, being the 21<sup>st</sup> day of December 1900 ~~189~~ to testify and the truth to say in behalf of the Commonwealth against

Morgan H. Duvier

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 18<sup>r</sup> day of December 1900, 189, and in the 12<sup>5</sup>th year of the Commonwealth.

J. S. Messerley, Clerk.

Geo. R. Black

## 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 *Morgan H. Dowse*, charged with felony, set

for the *6<sup>th</sup>* day of this *February* Term, *1901*, of the County

Court of the County aforesaid, being the *23<sup>rd</sup>* day of *February*, *1901*.

*D. M. Wetzel*

*D. J. Roller*

*Philip Weller*

*W. E. Pennington*

*John E. Heaters*

*Lewis G. Powell Jr*

*le D. Maphis*

*D. le Graham*

*J. G. Kete*

*Abraim M. Early*

*John D. Chapman*

*David le Smucker*

*Geo. E. Huffman*

*Samuel A. Wood*

*J. S. Echard*

*Michael H. Harrison*

*D. P. Shaulk*

*Geo. G. Hunter*

TO THE SHERIFF OF ROCKINGHAM COUNTY

The undersigned, the County of Rockingham, Virginia, do hereby certify that the following is a true and correct copy of the original as filed in the office of the Clerk of the County of Rockingham, Virginia, on this 1st day of January, 1911.

Witness my hand and the seal of the County of Rockingham, Virginia, this 1st day of January, 1911.

By the Clerk of the County of Rockingham, Virginia,  
[Signature]

By the Sheriff of the County of Rockingham, Virginia,  
[Signature]

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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 *6<sup>th</sup>* day of this *February* Court next, being the *23<sup>rd</sup>* day of *February* 1901 ~~189~~ to serve as Jurors upon the trial of *Morgan H. Driver* 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 *22<sup>nd</sup>* day of *February* 1901, ~~189~~ and in the *125* year of of the Commonwealth.

*J. S. Messerley* Clerk.

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Events by summary sixteen  
persons named in the list furnished  
by the Court and herewith returned  
D. J. Rolfe, Phila. Miller, W. E. Pennington, W. F. Stone  
L. A. Powell Jr. C. D. Napier, D. C. Graham, W. H. Pitt  
Abram M. Carley, J. F. Chapman, D. C. Sprunt, W. P.  
H. E. Nuttall, Saml. N. G. and J. A. Richard

and Richard W. S. S. S. S.

To 6 day of July let.  
being February 23 1901

J. A. Switzer S. R. L.

Morgan H. Draper

J. Pierre Lucas

Commonwealth



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*J. M. Best*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the  
*5<sup>th</sup>* day of the *February* Court next, being the *27<sup>th</sup>* day of *February*  
190*1*, to testify and the truth to say on behalf of *Morgan H. Dowie*

in a certain matter of controversy in our said Court, depending and undetermined between  
*Commonwealth* Plaintiff,

and *Morgan H. Dowie* Defendant.

And this *he* shall in no wise omit, under the penalty of £100. And have then and there this  
Writ. Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the

*18<sup>th</sup>* day of *February* 190*1*, and in the 125th year of the Commonwealth.

*J. S. Messerley*, Clerk.

Gentler Feb 19<sup>m</sup> 1907

W. Schmitzer S.R.E.

Morgan H. Dowd

ads. J. Spas. <sup>182</sup>

The Commonwealth

John W. Brewster  
and P. McCall

To 5 day of February let.  
being February 22. 1901

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon

*J. Howard Linder*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, on the

*5<sup>th</sup>* day of the *1<sup>st</sup>* *February* Court next, being the *22<sup>nd</sup>* day of *February*

*1901*, to testify and the truth to say on behalf of *Morgan H. Dowie*

in a certain matter of controversy in our said Court, depending and undetermined between

*Commonwealth*

Plaintiff,

and *Morgan H. Dowie*

Defendant.

And this *he* shall in no wise omit, under the penalty of £100. And have then and there this  
Writ. Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the

*21<sup>st</sup>* day of *February*

*1901*, and in the *12<sup>th</sup>* year of the Commonwealth.

*J. S. Messerley*

Clerk.

Executed Feb. 21. 1901 as to  
J Howard Landers

J. L. Bourger Deputy for  
Jno. A. Switzer S. R. C.

Morgan H. Dowei

advs of the  
Commonwealth

101

J Howard Landers

25th day of February let  
being February 22. 1901

I.

The jury are instructed that if, upon the evidence, there might be any reasonable doubt as to the guilt of the prisoner, he is entitled to the benefit of such doubt, and they must find him not guilty, he being presumed to be innocent until his guilt is proven beyond any reasonable doubt.

II.

The jury are instructed further, that notwithstanding they may believe from the evidence that in the particular instance of the writing described in the indictment, the prisoner may have signed the same with the name of William P. McCall, without express authority from said McCall, yet if they also believe from the evidence that at the time he did so, he was in the employ of said McCall, and had been for some time previous to that occurrence, and that during said employment, the prisoner had signed writings of a similar character with the name of said William P. McCall, and that said signature was either expressly authorized, or was approved by the said McCall in such manner and to such extent that the prisoner may have ~~thought~~ <sup>honestly believed</sup> that he had a right to do the same as to the writing described in the indictment, <sup>honestly</sup> believing that the said McCall would recognize the same as he had done the preceding orders, then they must find the prisoner not guilty.

I.

The jury are instructed that if, upon the evidence, there might be any reasonable doubt as to the guilt of the prisoner, he is entitled to the benefit of such doubt, and they must find him not guilty, he being presumed to be innocent until his guilt is proven beyond any reasonable doubt.

II.

The jury are instructed further, that notwithstanding they may believe from the evidence that in the particular instance of the writing described in the indictment, the prisoner may have signed the same with the name of William P. McGill, without express authority from said McGill, yet if they also believe from the evidence that at the time he did so, he was in the employ of said McGill, and had been for some time previous to that occurrence, and that during said employment, the prisoner had signed writings of a similar character with the name of said William P. McGill, and that said signature was either expressly authorized, or was approved by the said McGill in such manner and to such extent that the prisoner may have thought that he had a right to do the same as to the writing described in the indictment, believing that the said McGill would recognize the same as he had done the preceding orders, then they must find the prisoner not guilty.

+#+#+#+#+#+#+#+#+#+#+#+#+#+#+#+

The jury are further instructed that although they may believe from the evidence that the accused in uttering the writing described in the indictment did not state the truth in regard to the ~~uttering~~ <sup>making</sup> of the same, yet that fact would not convert such uttering into a forgery if it was not a forgery independent of that fact, but the statements of the accused made at that time may be considered by the jury so far as they tend to throw light upon the transaction.

The jury are instructed that if they believe from the evidence that Morgan H. Driver forged or uttered the order as alleged in the indictment with intent to defraud they must find him guilty even though they further believe that said Morgan H. Driver expected that Wm. P. Mc. Call would pay said order rather than allow him to be subjected to the penalty of the law.

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The jury are further instructed that although they may believe from the evidence that the accused in uttering the writing described in the indictment did not state the truth in regard to the writing

of the same, yet that fact would not convert such uttering into a forgery if it was not a forgery independent of that fact, but the statements of the accused made at that time may be considered by the jury so far as they tend to throw light upon the transaction.

The jury are instructed that if they believe from the evidence that Morgan H. Driver forced or uttered the order as alleged in the indictment with intent to defraud they must find him guilty even though they further believe that said Morgan H. Driver expected that Wm. P. Gill would pay said order rather than allow him to be subjected to the penalty of the law.



Commonwealth of Virginia,

COUNTY OF Rocking Lam, TO-WIT:

IN THE COUNTY COURT OF SAID COUNTY:

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

Rocking Lam, and now attending the said Court at its

February term, in the year 1900, upon their oaths present that

Morgan N. Diver

on the 11<sup>th</sup> day of November, in the year 1899, in the said County,

did feloniously forge, utter & employ as true a certain paper writing purporting to be an order drawn by W. P. McCall Sr. on Geo. E. Sipe or John P. Harris, designated in said order as "Mr Sipe or Harris" in favor of the said Morgan N. Diver for the payment of Two Dollars and purporting to be dated on the 11<sup>th</sup> day of November 1899, he the said Morgan N. Diver well knowing the said order to be forged, with intent thereby to defraud, against the peace & dignity of the Commonwealth.

And the jurors aforesaid upon their oaths aforesaid do further present that Morgan N. Diver on the 11<sup>th</sup> day of November in the year 1899, in the said County did feloniously forge, utter & employ as true a certain paper writing purporting to be an order drawn by W. P. McCall said order being in the words and figures following, to wit: "Nov. the 11. 99 Mr. Sipe or Harris you will please let Morgan N. Diver have \$2.00 for me he is working for me and I want him to bring me some medicine gentlemen please dont fail to let him have it for I am sick and cannot get out but I will pay you Carl day please oblige me W. P. McCall Sr", he the said Morgan N. Diver well knowing the said order to be forged, with intent thereby to defraud

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of A. W. Lewis

witness sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.

Commonwealth

INDICTMENT FOR A

18.

*Forsberg*

*Morgan W. Davis*

A TRUE BILL.

*W. H. Heacock*

Foreman.

*A. G. Lewis*

*We the jury find*

*the prisoner*

*not guilty*

*D. S. Graham*

*Foreman*

The Court-instructs the jury that if they find the prisoner not-guilty they will say so and no more.

If they find <sup>the prisoner</sup> ~~the~~ guilty of forging the writing as alleged in the Indictment - for uttering or attempting to employ as true such forged writing knowing the same to be forged as alleged in ~~the~~ Indictment; they will say so & then ascertain ~~the term of his~~ ~~con-~~ his punishment which may be confinement in the penitentiary not less than two nor more than ten years.



Commonwealth

② J

Morgan H. Driver

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~~A. S. Rotten~~

Philip Keller

~~H. E. Pennington~~

John E. Sealiste

Levi G. Powell Jr

W. D. Maphis

D. C. Graham

J. G. Hite

~~Abraim M. Early~~

John T. Chapman

David C. Smucker

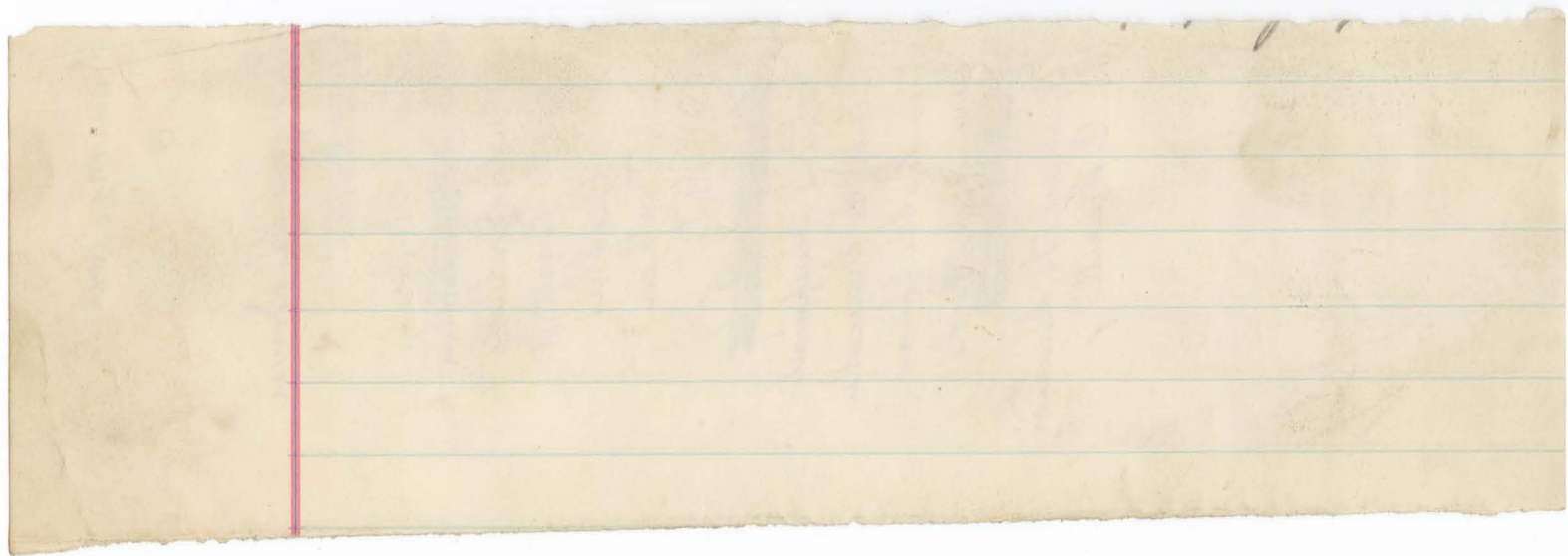
Geo. E. Huffman

Samuel S. Wood

~~J. H. Echard~~

Michael H. Harrison

D. P. Shaulk



Commonwealth

of Indictment vs

Morgan H. Driver

