Commonwealth.

vs.

Dorsey Hensley

~~Truman B. Hanson~~

J. F. Lookes

Kenney M. Drehl.

John T. Chapman

Isaiah Chapman

Lelande Earles

E. R. Rhoden.

~~C. H. Allbaugh.~~

A. J. Frank.

~~F. R. Westmoreland.~~

~~C. D. Hamburger.~~

David M. Miller.

John H. Geil.

L. B. Harman.

John W. Tate.

A. E. Andes

G. A. H.
J. S. S.
J. S. H.

G.N.C.
L.O.H

Commanville

Felony }

Dorsey Hensley ~~[illegible]~~

1 J. F. Looker 215.00
2 Henry M. Dike 15.00
3 John T. Chapman 13.20
4 Isaiah Chapman 15.00
5 ~~Lloyd Foster 13.20~~
6 C. R. Rodes 12.60
7 A. J. Frank 12.60
8 David M. Holland 11.40
9 John H. Sill 11.40
10 L. B. Harman 11.40
11 John W. Tate 11.40
12 A. E. Anders 13.80

$112.00

auto	$10.00
blnr	5.00
stfl	23.27
transl	4.27
wel	120.00
	$162.54
Jany	162.00
	$324.54

J. -

No. 3 — Given

The Court instructs the jury that the charge in the indictment that Dorsey Huskey wilfully did commit perjury in testifying as to his movements after leaving his wagon at the Taylor Springs Road was not material to the issues involved in the trial of the Huskey Bombing ~~actual~~ in Oct. 1908; and the ~~Court~~ jury cannot convict the defendant find the accused guilty as charged in the indictment if they believe that the only wilful false swearing was as to his movements after leaving his wagon at said road, but the jury may consider ~~the~~ the evidence in the case as to the ~~said~~

said
summons of the wagon
accused after he ~~leaving the wagon~~ in delivering
~~his speeches up~~ and whether
the accused willfully
swore falsely as to the
other charges in the
indictment

Given

No. 1

The Court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond all reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred because the facts proven may be consistent with his guilt, but they must be inconsistent with his innocence. Mere suspicion or probability of his guilt, however strong, is not sufficient to convict nor is it sufficient, if the greater weight or preponderance of evidence supports the charge in the indictment, but to warrant his conviction, his guilt must be proven so clearly that there is no reasonable theory consistent with the evidence upon which he can be innocent.

No. 1

The court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond all reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred because the facts proven may be consistent with his guilt, but they must be inconsistent with his innocence. Mere suspicion or probability of his guilt, however strong, is not sufficient to convict nor is it sufficient, if the greater weight of preponderance of evidence supports the charge in the indictment, but to warrant his conviction, his guilt must be proven so clearly that there is no reasonable theory consistent with the evidence upon which he can be innocent.

Refused because sufficiently covered by the foregoing instructions

No. 2

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond all reasonable doubt, and this presumption of innocence goes with the accused throughout the entire case and applies at every stage thereof, and if after having heard all the evidence in this case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, it is their duty to give the prisoner the benefit of such doubt and to acquit him.

Refuse because sufficiently covered by the foregoing instruction

No. 2

The court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond all reasonable doubt, and this presumption of innocence goes with the accused throughout the entire case and applies at every stage thereof, and if after having heard all the evidence in this case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, it is their duty to give the prisoner the benefit of such doubt and to acquit him.

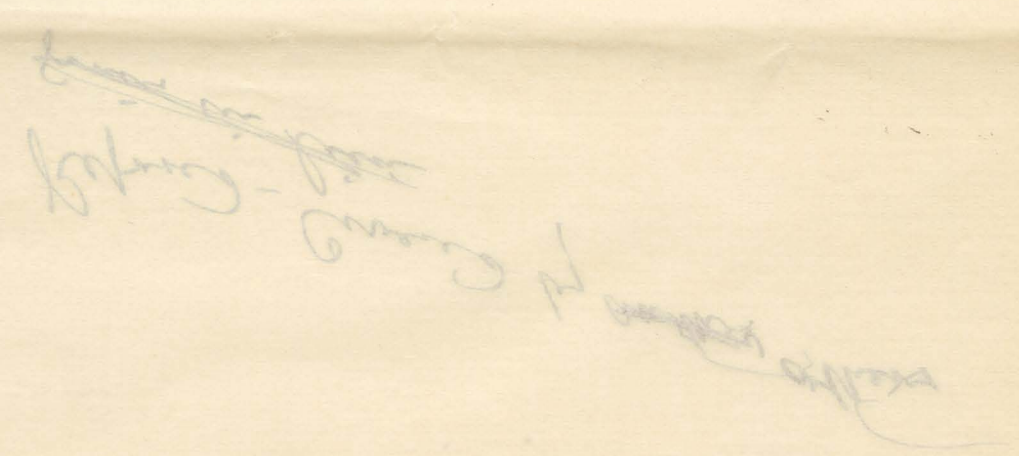
Refused - Covered by ~~another~~ others
~~fully in lieu~~

No. 4.

The Court further instructs the jury that to authorize a conviction of the accused in this case, the burden is on the Commonwealth to prove beyond every reasonable doubt and to the exclusion of every reasonable hypothesis consistent with his innocence by two witnesses that the accused wilfully swore falsely to a material fact, or by one witness with such strong corroborative circumstances of such a character as to clearly turn the scale and overcome the oath of the accused and the legal presumption of his innocence.

Swartz Case, 27 Gratt. 1027.

Obj



No. 4.

The Court instructed the jury that it was of importance a conviction of the accused in this case, the burden is on the commonwealth to prove beyond every reasonable doubt and to the exclusion of every reasonable hypothesis consistent with his innocence by two witnesses that the accused actually wrote letters of a material fact, or by one witness with some strong corroborative circumstances of such a character as to clearly turn the scale and overcome the oath of the accused and the legal presumption of his innocence.

SMITH'S CASE, VS CRAFT, IOWA.

Modified & given ~~except~~ the word "all" marked below in parenthesis and the word "knowingly" inserted after "wilfully" & before "swore" & additions made

No 5.

The Court instructs the jury that the guilt or innocence of the Hensleys Brothers on the charge of felony, for which they were tried at the August October term, 1908, of this Court, is not to be considered by the jury in determining the guilt or innocence of the accused, Dorsey Hensley, in this trial, as that case has been ended, and whatever the jury may believe from the evidence as to the guilt or innocence of the Hensleys Brothers on said charge of felony, they can not find the accused, Dorsey Hensley, guilty of perjury as charged in the indictment, unless they believe from (all) the evidence in this case that he wilfully knowingly swore falsely, as charged in the indictment.

No 5.

The Court instructs the jury that the guilt or innocence of the Hemsleys on the charge of felony, for which they were tried at the August term, 1908, of this court, is not to be considered by the jury in determining the guilt or innocence of the accused, Dorsey Hemsley, in this trial, as that case has been ended, and whatever the jury may believe from the evidence as to the guilt or innocence of the Hemsleys on said charge of felony, they can not find the accused, Dorsey Hemsley, guilty of perjury as charged in the indictment, unless they believe from all the evidence in this case that he willfully swore falsely, as charged in the indictment.

Refused because already covered

No. 7

The Court instructs the jury that the burden is upon the Commonwealth to prove beyond every reasonable doubt, and to the exclusion of every reasonable hypothesis consistent with the innocence of the accused, that Dorsey Hensley committed the crime of perjury charged in the indictment.

Hy

The Court instructs the jury that if the prisoner is now the Commonwealth to prove beyond every reasonable doubt, and to the exclusion of every reasonable hypothesis consistent with the innocence of the accused, that Peter Heisler committed the crime to wit, murder in the indictment.

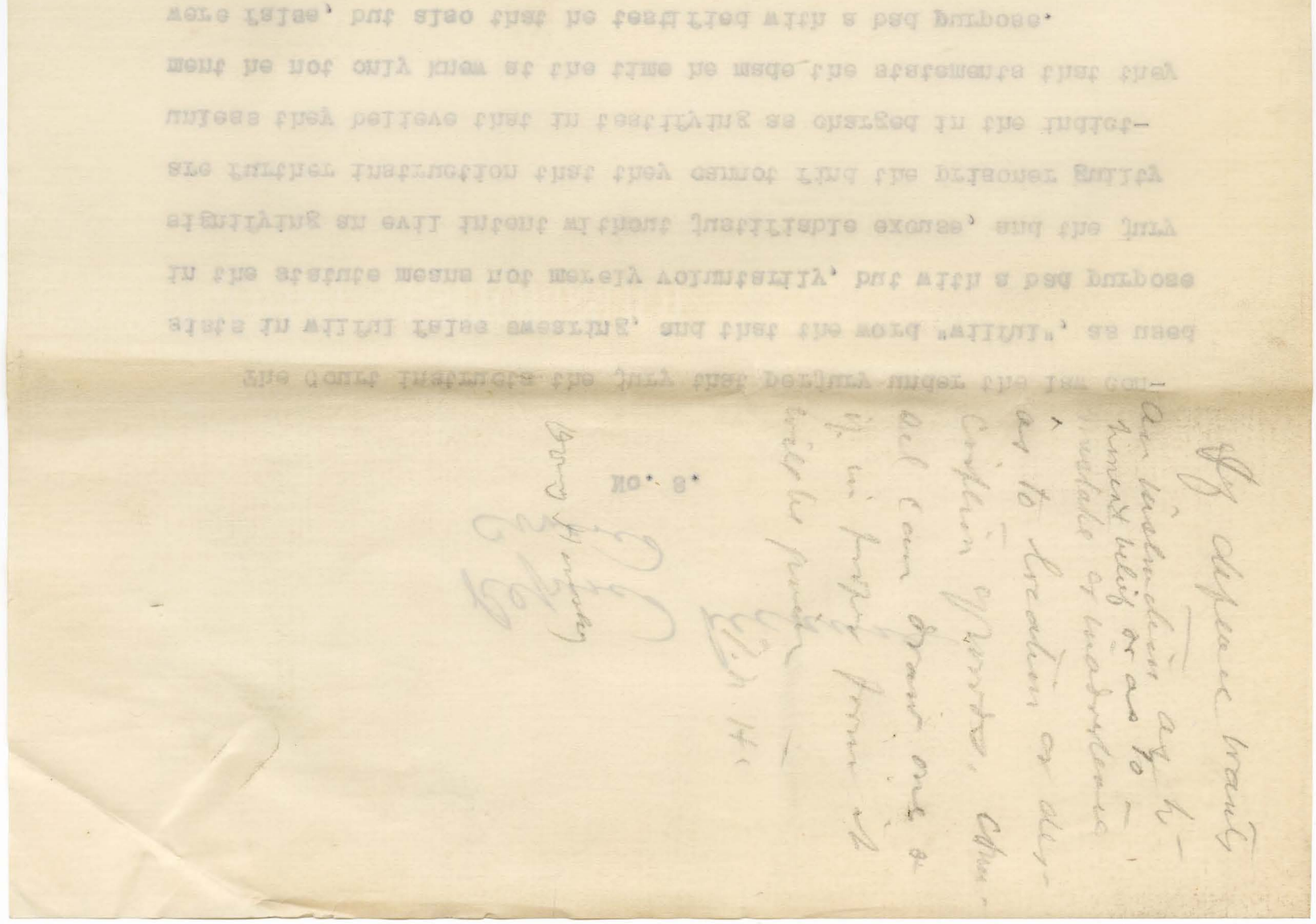
Charge Prosecutor Counsel

Refused because covered

No. 8.

The Court instructs the jury that perjury under the law consists in wilful false swearing, and that the word "wilful", as used in the statute means not merely voluntarily, but with a bad purpose signifying an evil intent without justifiable excuse, and the jury are further instruction that they cannot find the prisoner guilty unless they believe that in testifying as charged in the indictment he not only knew at the time he made the statements that they were false, but also that he testified with a bad purpose.

Gly



Dr Chapman's brandy
An invaluable aid to
digestion & as a
restorative of headache
& to breakfast or after
Caution "Worcester, Eng."
All cases genuine only &
if in bottle from the
Proprietor
E. H.

NO. 8.

Brandy Anthony
Eng.

No. 1

The Court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond all reasonable doubt and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred because the facts proven may be consistent with his guilt, but they must be inconsistent with his innocence. Mere suspicion or probability of his guilt, however strong, is not sufficient to convict, nor is it sufficient, if the greater weight or preponderance of evidence supports the charge in the indictment, but to warrant his conviction his guilt must be proven so clearly that there is no reasonable theory consistent with the evidence upon which he can be innocent.

No. 1

The court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond all reasonable doubt and it finds it more the duty to admit the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred because the jury believe the defendant with his innocence. Here evidence to probability of his guilt, however strong, is not sufficient to convict nor is it sufficient if the Grand Jury to be convinced of guilt beyond a reasonable doubt, if there is any other hypothesis on which the defendant may be proven to clearly that that there is no reasonable ground consistent with the innocence of the defendant.

No. 2

No. 2

[redacted].

The Court instructs the jury that the law contemplates in this case a concurrence of twelve minds in the conclusion of the guilt before a conviction can be had, and if any individual member of the jury, after having duly considered all of the evidence in this case and after consultation with his fellow jurors, shall entertain a reasonable doubt as to the guilt of the accused, it is his duty not to surrender his own convictions, because the balance of the jury entertain different convictions with reference to the guilt or innocence of the accused.

the Guilt or Innocence of the accused.

The Court instructed the Jury that the law contemplates an fifth case: a consciousness of guilt arising in the consciousness of the Guilt before a confession can be had, and it was indifferent to the Jury, after hearing duly considered all of the evidence in the case, whether the confession was made before or after the commission of the Guilt. Counsel with his Lordship, stated that in such case the Jury should be satisfied a reasonable doubt as of the Guilt of the accused. It is entirely not of sufficient two his confessions, because the defendant was not of sufficient different confessions with reference to the Jury entertain different conjectures of the Guilt or Innocence of the accused.

Instruction No. 2 1/2

The Court instructs the jury that, whatever they may believe from the evidence as to the guilt or innocence of the Hensley brothers, tried in October 1908, they cannot find the accused, Dorsey Hensley, guilty of perjury as charged in the indictment unless they believe from the evidence in this case that he wilfully swore falsely to a material fact or facts as charged in the indictment; that is to say, that he swore falsely as charged in the indictment, that he knew at the time that he was swearing falsely, and that he did it wilfully and for the purpose of deceiving the jury in the case of the Hensley Brothers, tried in October last, with respect to ~~xxx~~ material facts ~~xx~~ of the case, and that his said testimony was material to the issues of that case.

S/L E .on nolfcmrtsnI

The Court instructs the Jury that, whatever they may believe from the evidence as to the guilt or innocence of the Hensley protheres, filed in October 1898, they cannot find the accused, Dorsey Hensley, guilty of perjury as charged in the indictment unless they believe from the evidence in this case that he willfully made material false statements as charged in the indictment; that is to say, that he was a material witness in the case of the Commonwealth against Lafayette Hensley, and that he knew at the time he saw he was swearing falsely, and that he did it willfully and for the purpose of deceiving the Jury in the case of the Hensley Protheres, filed in October last, with respect to xxx material facts xx to the case, and that his said testimony was material to the issues in that case.

No. 3.

The Court instructs the Jury that to authorize a conviction of perjury there must be two witnesses testifying to the falsity of the statement alleged to be perjured, or to facts showing the falsity of such statement, or the same must be established by one witness and corroborating circumstances of such a character as clearly to turn the scale and overcome the oath of the accused and the legal presumption of his innocence. This requirement, however, of two witnesses, or of one witness and corroborating circumstances, applies only to proof of the falsity of the testimony given by the accused alleged to be perjured. As to all other facts material or necessary to be proven to establish the guilt of the accused, one witness is sufficient, if believed by the Jury.

indictment to be perjured testimony was in fact true or false.

No. 4.

No. 4.

The Court instructs the Jury that in so far as witnesses have been permitted in this case to tell what was testified to on the trial of the Hensley~~s~~ brothers in October last, the same (except as to the testimony of Dorsey Hensley on that trial) was admitted and is to be considered by the Jury only upon the question of whether or not the testimony of ~~Dorsey Hensley~~ on that trial was of a material character, and is not to be considered by this Jury upon the question of whether the testimony of ~~Dorsey Hensley~~ on that trial was, in fact, true or false, unless the witnesses were sworn in this case and gave the testimony over again on this trial. The testimony given by Dorsey ~~Hensley~~ himself on the trial of the Hensley brothers ~~trial~~ is, of course, to be considered by the Jury upon the question of whether the testimony charged in the indictment to be perjured testimony was in fact true or false.

~~No. 8~~

No. 4½

The court instructs the jury that in Virginia it is perjury if any person to whom an oath is lawfully administered on any occasion wilfully swear falsely on such occasion, touching any material matter or thing.

The court instructed the jury that if slightly it is perjury
unless the person to whom an oath is taken is lawfully administered or unless
it was performed in the form or manner which he believes to be binding upon
his conscience.

No. 5.

The Court instructs the jury that if they believe from the evidence that the prisoner testified in the case of the Commonwealth against Layton, Reubon and Kemper Hensley in whole or in part, as alleged in the indictment, then in determining whether such testimony or any portion of such testimony was material to the issues in said case, the Court tells the Jury that if such testimony or any portion thereof was either directly pertinent to the issue or point in question in that case, or tended to induce the Jury to give readier credence to the substantial part of the evidence, or tended to give weight and force to other material circumstances, or to give additional credit to the testimony of the accused himself as a witness in that case with respect to a material matter, or to the testimony of some other witness in the case with respect to a material matter, then such testimony of ~~M. F. Lix~~ Dorsey Hensley was material. And the Court further instructs the Jury that the degree of materiality is of no importance for, if the said testimony of the accused tended to prove any of the material matters in the said case of the Commonwealth against Reuben, Kemper and Layton Hensley, it is enough.

no. 5 1/2

The Court instructs the Jury that the charge in the indictment that Dorsey Hensley wilfully swore falsely in testifying as to his movements after leaving the wagon at the Taylor Springs road was not material to the issues involved in the trial of the Hensley brothers in October 1908, and the Jury cannot find the accused guilty as charged in the indictment if they believe that the only wilful false swearing was as to his movements after leaving the wagon at said road, but the jury may consider the evidence in the case as to the movements of the accused after leaving the wagon in determining whether the accused wilfully swore falsely as to the other charges in the indictment.

The court instructs the jury that the charge in the indictment that Robert Henderly willfully wrote letters in testifying as to his movements after leaving the Taylor Christmas Eve has not impeached so the issues involved in the trial of the Henderly protests in October 1908; and the jury cannot find the accused guilty as charged in the indictment if they believe that the only evidence in the matter relative to his movements after leaving the room as he has been shown, but the jury may consider the evidence in the room as held here, and if they find the accused after leaving the room as of his movements to the accused after leaving the room as of his movements in determining whether or not he committed the offense charged in the indictment.

No. 6.

The Court instructs the jury that in proof of guilt, by circumstantial evidence, it is not essential that the facts and circumstances established should produce on the minds of the jury absolute and demonstrative certainty, but it is sufficient if such facts and circumstances produce a moral certainty on the minds of the jury of the commission by the accused of the offense charged, to the exclusion of a reasonable doubt.

The Court instructs the jury that in proof of guilt, by circumstantial evidence, it is not essential that the facts and circumstances established should produce on the minds of the jury absolute and demonstrative certainty, but it is sufficient if such facts and circumstances produce a moral certainty on the minds of the jury of the commission by the accused of the offense charged, to the exclusion of a reasonable doubt.

No. 7

The Court instructs the jury as a matter of law that they are not to go beyond the evidence to hunt up doubts, nor are they to entertain such doubts as are merely chimerical or conjectural. A reasonable doubt must be based upon the evidence, or on the absence of evidence essential to proof of the guilt of the accused. It must not be an arbitrary doubt without evidence to sustain it. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of a material fact or facts necessary for the jury to believe to find a verdict of conviction and not of immaterial and non-essential circumstances.

The Court instructed the jury as a matter of law that they were not to go beyond the evidence of guilt or innocence, nor were they to indulge mere speculation or conjecture.

A reasonable doubt must be based upon the evidence, or on the absence of evidence bearing on the guilt of the accused.

If upon the entire evidence they entertain a doubt of the defendant's guilt, it must be a doubt growing out of the evidence or the absence of evidence.

If upon the entire evidence they entertain no such doubt, it must be a doubt of a material fact, such as would ordinarily influence the judgment of men in the conduct of important and non-essential affairs.

If upon the evidence they believe a fact to be true, it is not to be regarded as a doubt, but if they believe a fact to be false, it must be regarded as a material fact of such necessary importance to the defendant's case that the jury should be satisfied of its existence.

No. 8

The Court instructs the jury that, in arriving at a verdict in this case, they are the sole judges of the facts and of the credibility of the witnesses and of the weight to be given to the evidence or any part of it. When witnesses testify opposite to each other, the jury is not bound to regard the weight of the evidence as evenly balanced, but they have a right in determining the weight to be given to the testimony of various witnesses, to take into consideration their interest in the result of the case, if they have any, their relationship to the parties involved, their feeling or bias, if any is shown, their appearance and demeanor on the witness-stand, their apparent candor and fairness, their apparent intelligence, the reasonableness or unreasonableness of their statements, their means of information, and all the surrounding circumstances appearing on the trial, and to give or deny credit to the testimony of any witness as, under the circumstances, they may deem proper or to such extent as they think proper.

The Court instructs the jury that, in arriving at a verdict in this case, they are the sole judges of the facts and of the credibility of the witnesses and of the weight to be given to the evidence or any part of it. When witnesses testify opposite to each other, the jury is not bound to regard the weight of the evidence as evenly balanced, but they have right in determining the weight to be given to the testimony of various witnesses, to take into consideration their interest in the result of the case, if they have any, their relationship to the parties involved their feeling or bias, if any is shown, their appearance and demeanor on the witness-stand, their apparent candor and fairness, their apparent intelligence, the reasonableness or unreasonableness of their statements, their means of information, and all the surrounding circumstances appearing on the trial, and to give or deny credit to the testimony of any witness as, under the circumstances, they may deem proper or to such extent as they think proper.

No. 10.

The Court instructs the jury, as a matter of law, that if they believe from the evidence that in the trial of Layton, Reuben and Kemper Hensley, in the Circuit Court of Rockingham County, Virginia, on the 16th day of October, 1908, the prisoner Dorsey Hensley [redacted] was called in the progress of said trial and that an oath was then administered to him as a witness to testify in said cause, by the said court, or by its clerk or deputy clerk, and that the said Dorsey Hensley [redacted] thereupon testified in said cause at said time, in said Court, then there need be no further proof upon the part of the Commonwealth to show that, at the time said Dorsey Hensley [redacted] testified, he did so under oath lawfully administered and in the trial of a felony case in and by a court then having jurisdiction to try said case.

The Court instructs the Jury as a matter of law that if they believe from the evidence that in the State of Layton, Kempen and Kember Counties, in the Circuit Court of Hockingham County, Virginia, on the 14th day of October, 1808, the prisoner was seized in the progress of this trial and that in each saw then called in the progress of this trial and that in each saw then administered to him as a witness of testify in said cause, by the said Court, or by the clerk or deputy clerk, and that the said Court, in said cause at said time, in said cause at said time established testimony upon the part of the commonwealth then there been no further proof upon the part of the prisoner, he did so under of some fact, at the time said [illegible] testified, he did so under oath lawfully administered and in the trial of a felony case in and to be a court then having jurisdiction of the said case.

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

If you find the prisoner guilty as charged in the indictment you will say so and ascertain his punishment, which shall be confinement in the penitentiary not less than two years nor more than ten years.

We the jury find the prisoner Dorsey Hensley guilty as charged in the indictment & fix his punishment at four years in the penitentiary

L. B. Harman.
Foreman

Dorsey Hawkins

Charge

No. 11.

The Court instructs the Jury that if they believe from the evidence that on the 16th day of October, 1908, the prisoner, Hensley, appeared in the Circuit Court of Rockingham County as a witness on behalf of the defence in the case of the Commonwealth vs. Reuben, Kemper and Layton Hensley, then on trial under an indictment charging them with entering the barn of Sarah M. Van Pelt, on the night of the 22d of September, 1908, with intent to commit larceny therein, and that to the prisoner there was administered by said Court, or by its Clerk or Deputy Clerk, an oath that he would speak the truth in his testimony in the said case, and that the said prisoner, in the said Court, on the 16th day of October, 1908, after taking oath as aforesaid to truthfully testify as a witness in the said case, wilfully swore falsely that on the night of the 22d of September, 1908, he, in company with Wade Green, left the residence of Wade Green for the purpose of going coon-hunting, and that, at about half-past nine or ten o'clock, the prisoner and Wade Green were overtaken near the residence of said Green on the Rockingham Turnpike by a two-horse wagon going in an easterly direction and that said wagon was occupied by Layton, Reuben and Kemper Hensley, and that the prisoner and said Wade Green rode with Layton, Reuben and Kemper Hensley in said wagon on the Rockingham Turnpike to where the Massanetta or Taylor Springs Road leads southward ~~to~~ from the Rockingham Turnpike, and that in so travelling the prisoner and Wade Green, in company with Layton, Reuben and Kemper Hensley in said wagon, passed by the barn of Mrs. Sarah M. Van Pelt on said Rockingham Turnpike, and that said wagon did not stop at or near said barn that night,

And if the Jury further believe that the said testimony of the said prisoner was material to the issues upon the trial of the said case of the Commonwealth v. Reuben, Kemper and Layton Hensley, or that any portion of said testimony was wilfully false and material to the issues of the said case of the Commonwealth v. Reuben, Kemper and Layton Hensley, then the said prisoner is guilty of perjury and punishable under the law of Virginia by confinement in the penitentiary not less than two nor more than ten years.

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 March term, in the year 1909, upon their oaths present that on the 18th day of October in the year 1908, in the said County, at the Circuit Court held for the said County on the 18th day of October, 1908, at the Courthouse thereof, by T. N. Haas, Judge of the said Court, Layton Hensley, Reuben Hensley and Kemper Hensley were jointly tried on an indictment for a felony, to-wit, for feloniously entering in the night-time of the 22d day of September in the year 1908, the barn of Mrs. Sarah M Van Pelt in said County with intent to commit larceny therein, and certain grain in said barn then and there stored, did steal, take and carry away, as more fully appears by the records of the said Court, and that upon the trial of the said Layton Hensley, Reuben Hensley and Kemper Hensley for the felony aforesaid, Dorsey Hensley appeared in said Court as a witness for and on behalf of the said Layton Hensley, Reuben Hensley and Kemper Hensley and was then and there in said County in the Court aforesaid, duly sworn by the said Circuit Court then and there sitting upon the trial aforesaid, that the evidence he should give upon the said trial should be the truth, the whoe truth and nothing but the truth, the said Circuit Court, having authority by law to administer said oath, and that upon the said trial of the said Layton Hensley, Reuben Hensley and Kemper Hensley for the felony aforesaid, it then and there became material to inquire whether the said Layton, Reuben and Kemper Hensley drove from the town of Harrisonburg, a team of horses hitched to what is commonly known as a road wagon, on which was a new wagon-body, to their home east of the said town on the night of the said 22d day of September, 1908, and whether in so doing they passed with their wagon along the public road known as the Rockingham Turnpike near

the barn of the said Mrs. Sarah M. Van Pelt and whether said wagon stopped on said road on said trip at a point near the said barn and whether at the time the said Layton, Reuben and Kemper Hensley passed along said road, near said barn, any other person or persons than the said Layton, Reuben and Kemper Hensley were in or accompanied their said wagon, and particularly whether the said Dorsey Hensley and Wade Green were with the said Layton, Reuben and Kemper Hensley in their said wagon from a point on said road west of the said barn and near the residence of the said Wade Green to a point beyond the premises and barn of the said Mrs. Sarah M. Van Pelt, and east of the said barn and premises, where said public road is intersected by a road leading to what is known as Massanetta Springs or Taylor Springs and whether the said Dorsey Hensley and Wade Green on the night of the said 22d day of September, 1908, went from a point near the residence of the said Wade Green at between nine and ten o'clock of said night of September 22d, 1908, in company with the said Layton, Reuben and Kemper Hensley and passed by the said barn of Mrs. Sarah M. Van Pelt without either the said Layton, Reuben or Kemper Hensley or the said Dorsey Hensley or Wade Green stopping at or near the said barn and whether the said Dorsey Hensley and Wade Green accompanied the said Layton, Reuben and Kemper Hensley on said night of September 22, 1908, from said point near said Wade Green's residence as far as the road leading from the Rockingham Turnpike to Massanetta Springs or Taylor Springs and whether at said last named point, to-wit, the junction of said Turnpike and the Taylor Springs road, the said Dorsey Hensley and Wade Green left the said Layton, Reuben and Kemper Hensley and went into the woods immediately in front of and east of Massanetta or Taylor Springs and there, with dogs, hunted coon from about ten o'clock of said night of September 22d 1908 until about twelve o'clock of the same night, and thereupon, the said Dorsey Hensley, being sworn as a witness, he,

the barn of the said Mrs. Sarah M. Van Pelt and whether said wagon stopped on said road on said trip at a point near the said barn and whether at the time the said Layton, Reuben and Kemper Hemaley passed along said road, near said barn, any other person or persons than the said Layton, Reuben and Kemper Hemaley were in or accompanied their said wagon, and particularly whether the said Dorsey Hemaley and Wade Green were with the said Layton, Reuben and Kemper Hemaley in their said wagon from a point on said road west of the said barn and near the residence of the said Wade Green to a point beyond the premises and barn of the said Mrs. Sarah M. Van Pelt, and east of the said barn and premises where said public road is intersected by a road leading to what is known as Massanetta Springs or Taylor Springs and whether the said Dorsey Hemaley and Wade Green on the night of the said 22d day of September, 1908, went from a point near the residence of the said Wade Green at between nine and ten o'clock of said night of September 22, 1908, in company with the said Layton, Reuben and Kemper Hemaley and passed by the said barn of Mrs. Sarah M. Van Pelt without either the said Layton, Reuben or Kemper Hemaley or the said Dorsey Hemaley or Wade Green stopping at or near the said barn and whether the said Dorsey Hemaley and Wade Green accompanied the said Layton, Reuben and Kemper Hemaley on said night of September 22, 1908, from said point near said Wade Green's residence as far as the road leading from the Rockingham Turnpike to Massanetta Springs or Taylor Springs and whether at said last named point, to-wit, the junction of said Turnpike and the Taylor Springs road, the said Dorsey Hemaley and Wade Green left the said Layton, Reuben and Kemper Hemaley and went into the woods immediately in front of and east of Massanetta or Taylor Springs and there, with dogs, hunted coon from about ten o'clock of said night of September 22 1908 until about twelve o'clock of the same night, and thereupon, the said Dorsey Hemaley, being sworn as a witness, he,

on the said trial in the county aforesaid, feloniously, wilfully and corruptly deposed falsely swore and testified

and

on the said trial in the County aforesaid, feloniously, wilfully and corruptly deposed and falsely swore and testified, among other things, that on the night of the said 22d day of September, in the year 1908, he, the said Dorsey Hensley, in company with the said Wade Green, left the residence of the said Wade Green for thepurpose of going coon-hunting, and that at about half-past nine or ten o'clock, he, the said Dorsey Hensley and Wade Green were overtaken near the residence of the said Green and on a public road known as the Rockingham Turnpike by a wagon going east in which wagon were Layton, Reuben and Kemper Hensley and that said Layton, Reuben and Kemper Hensley were driving two horses hitched to a road wagon on which was a new wagon-body, and that he, the said Dorsey Hensley and Wade Green then and there got into the said wagon body and rode with the said Layton, Reuben and Kemper Hensley therein, on the said Rockingham Turnpike to a point about four miles east of Harrisonburg where a public road leads from the said Rockingham Turnpike to Massanetta or Taylor Springs, and that in so travelling in company with the said Layton, Reuben and Kemper Hensley, they passed along and over the said Rockingham Turnpike near and by the said barn of Mrs. Sarah M. Van Pelt's, and that the wagon in which they were riding did not stop on said trip at or near the said barn of Mrs. Sarah M. Van Pelt's and that neither the said Layton, Reuben or Kemper Hensley got out of the said wagon or went to the said barn at the time said wagon passed near or by the said barn, and that he, the said Dorsey Hensley and the said Wade Green left the said Layton, Reuben and Kemper Hensley at the point on said Rockingham Turnpike where the public road leads southward to Massanetta or Taylor Springs and that he, the said Dorsey Hensley and Wade Green after leaving said Layton, Reuben and Kemper Hensley on said night, went to a certain piece of woods immediately in front of and east of said Massanetta or Taylor Springs and east of said Taylor Springs road and there, by aid of dogs, which had accompanied him and the said Wade Green, hunted

through the said woods for coon, from about ten o'clock until about twelve o'clock of said night of September 22, 1908, whereas in truth and in fact neither the said Dorsey Hensley nor Wade Green left the residence of said Wade Green on the night of the said 22d of September, 1908, to go hunting for coon, nor did the said Dorsey Hensley and Wade Green accompany the said Layton, Reuben and Kemper Hensley from a point on the said Rockingham Turnpike near Wade Green's house along and over said Turnpike to or near the said barn of the said Mrs. Sarah M. Van Pelt to a point on said Turnpike where a public road leads southward to Massanetta or Taylor Springs, nor did the said Dorsey Hensley and Wade Green or either of them, with dogs or otherwise, hunt on the said night of the 22d of September, 1908, in the said woods on the east side of said Taylor Springs road in front of and east of the said Massanetta or Taylor Springs, nor were the said Dorsey Hensley and Wade Green or eitherof them with the said Layton, Reuben and Kemper Hensley on the said night of the 22d day of September, 1908, between nine and ten o'clock, nor at any otherhour that night, when the said Layton, Reuben and Kemper Hensley drove in a wagon along the said public road by or nearthe said barn of the said Mrs. Sarah M Van Pelt's nor in truth and fact did said wagon occupied on said night of September 22, 1908 by said Layton, Reuben and Kemper Hensley pass the barn of said Mrs. Sarah M. Van Pelt without stopping near said barn, whereby the said Dorsey Hensley did then and there, upon the said trial in the County aforesaid, feloniously, wilfully and corruptly, swear falsely, and feloniously commit perjury against the peace and dignity of the Commonwealth of Virginia;

Upon the evidence of E. R. Devero, W. T. Heiston, F. N. Tibbins, E. J. Carickhoff, Mrs Chas. Carrell, Florence Mean, & John Gaither witnesses sworn in open Court and sent to the Grand Jury to give evidence.

Commonwealth

vs

Indictment for a Felony

Dorsey Hensley

A True Bill

C. G. Harnsberger
Foreman

Arraigned & plea of Not guilty
& Case set for April 12. 1909.

We the Jury find the prisoner Dorsey Hensley guilty of Perjury in manner and form as charged in the indictment, and ascertain his punishment at confinement in the penitentiary for the term of five years

G. B. Harman Foreman

SUPERINTENDENT OF THE VIRGINIA PENITENTIARY.

SIR:

It appearing that Dorsey Hensley # 8691 No. a prisoner confined in the Virginia Penitentiary for a term of 4 years, under sentence pronounced by the Circuit Court of Rockingham county at the May term, 19 1909

has served out half of the term of imprisonment for which he was sentenced, as shown by the prison records, and it further appearing that the said Dorsey Hensley # 8691 No. is a fit person to receive a parole, and having furnished satisfactory assurance that he will not be dependent upon public or private charity; now therefore,

We, the Board of Directors of the Penitentiary of the State of Virginia, in pursuance of authority vested in us by Act of Assembly, approved March 7, 1904, do parole the said Dorsey Hensley # 8691 No. during the remainder of his term of sentence, upon the following conditions—viz: That he shall at all times during this parole conduct himself as an honest, sober, peaceable, industrious, and law-abiding citizen; that he accept and continue in the employment secured for him as per employment certificate hereto attached; and that he shall at all times be respectful and obedient to his employer., and report in writing to the Superintendent of the Penitentiary at least once a month.

J. R. Patton

President Board of Directors. per R

I understand the terms of this my parole and agree to perform all its conditions.

Dorsey Hensley No. 8691

Witness, T. J. Fagan

Date June 20, 1911

Dorsey Hawley

Pardon