

H.N.C

Winifred
Uchit
Stephens

Commonwealth

Jury } Policy

William Remick

1	Samuel Armstrong	
2	B. B. Shifflet	6
3	J. Martin Hamner	14
4	J. W. Burgess	7
5	J. N. Caldwell	10
6	Thomas J. Davis	15
7	M. W. Finbaugh	
8	Almy G. Waring	6
9	W. C. Acker	11 1/2
10	J. B. Hensel	7
11	W. J. Hornsby	7
12	N. A. Sibbons	1

Some Amount	8.80
B. B. Shifflet	8.40
J. M. Ham	10.00
J. H. Pringle	8.80
J. H. Caldwell	10.00
S. J. Quinn	10.00
M. W. Finlay	9.20
H. B. Young	8.40
D. C. Allen	10.00
J. D. Hunsell	8.50
M. J. Hensley	10.00
A. A. Gibson	6.00

Long	9/10	8.40
with	14	2.20
at		10.00
cost		2.50
staff		26.05
		<u>7287.50</u>

~~cash left over~~

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To THE Sheriff or _____, a Constable of said County:

~~WHEREAS~~ _____ of the said county, has this day made
complaint and information on oath before me, _____ a Justice of the said county, that

of the said county, on the _____ day of _____ 191____, in the said county, did

Whereas, it appearing to me by satisfactory evidence that one William
Runion #10050 who was convicted of house burning in the Circuit Court of
Rockingham County, Va. in April, 1911, and sentenced to three years
in the Penitentiary, and who was on the 11th day of Dec. 1912 con-
ditionally pardoned by Governor Mann, has violated the conditions
of said pardon and that the same is now "null and void".

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend
and bring before me, ~~or some other Justice~~ ^{The Circuit Court} of the said County, the body of the said

William Runion

to answer the said complaint, and to be farther dealt with according to law. ~~And you are required to summon~~

~~John D. Manning~~

~~to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.~~

Given under my hand and seal this 16th day of May, in the year 1913.

D. W. Earman

J. P. [SEAL.]

Executed July 17, 1913, by arresting the
within-named William Runion, and
committing him to jail, and by
bringing him before the Circuit
Court of Rockingham County on July
21, 1913.
D. E. Lanesham, Deputy
for E. F. Carverhoff Sheriff
of Rockingham County.

Commonwealth

vs.

Arrest Warrant.

William Runion

~~Executed the within warrant
by arresting and delivering the
body of Wm Runion
before the Circuit Court
a Justice of Rockingham County
and by summoning the within
named witness in person, this~~

~~21 day of July 1913~~

~~E. F. Carverhoff~~

~~Constable of Rockingham County.~~

~~Sheriff~~

See 4198a, cc 4.

Case

v
William Rumin:

by ^{William Rumin} ~~his court~~ who was
sentenced to the penitentiary of this State
for the term of three years, at the March
term of the Court (1911), and who was
granted a conditional pardon by the
Governor of the Commonwealth on the 11th
day of December 1912, was this day
brought into Court by the Sheriff of this
County on a warrant charging him
with violating the conditions of his
said pardon, and therefore for
reasons appearing to the Court the
investigation of the said case was
continued until tomorrow, - And
~~therefore~~ the said Rumin was
remanded to jail -

Commissar

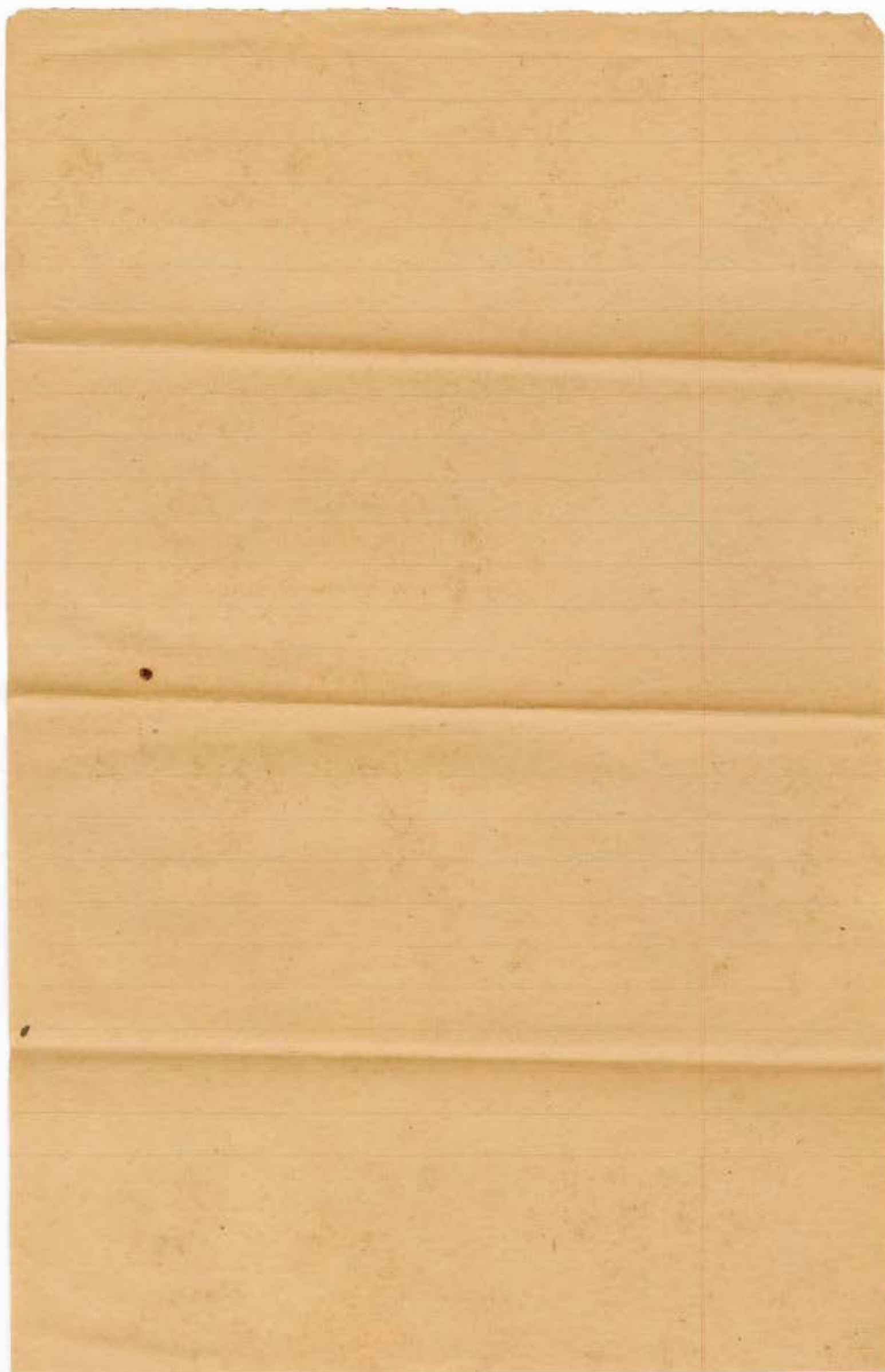
7

Mr. Bennett

Enclaves

$\frac{2}{5}$

he was sentenced by this Court at its
March term 1911 which remained un-
repealed at the time of his pardon
by the Governor of the Commonwealth
On the 11th day of December 1912, in
accordance with and pursuant to
the terms of the ^{original} sentence of this Court
pronounced at the March term 1911 - and it is further ordered
that as soon as practicable after the
adjournment of this Court the said Reu-
in shall be removed and conveyed
from the jail of this County to the cus-
tody of the Superintendent of the State
Penitentiary - and therefore the said
William Reunion was remanded to
jail



Com.

vs

William Rumion

This day came again the said William Rumion in the custody of the Sheriff and by Counsel, and the Commonwealth's attorney, came across, and the Court having heard the evidence and the arguments of Counsel on the misfeasance of the charge contained in the warrant on which the said Rumion was arrested and brought before the Court, and on the motion of the attorney for the Commonwealth that the said Rumion be remanded to the penitentiary ~~to~~ to serve out the portion of the term for which he was sentenced by this Court at its March term 1911 which remained unexpired at the time of his conditional pardon by the Governor ~~on the 11th day of December 1912~~, and the Court being of opinion from the evidence heard that the said Rumion has violated the conditions of his said pardon, it is therefore considered and ordered by the Court that the said William Rumion be remanded to the penitentiary of this state ~~to~~ to serve ^{at his last term of serving} that portion of the term ~~to~~ for which

Commissary

Wm. Plummer

General

$\frac{2}{7}$

Wm. R. R.

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 nor more than ten years.

Wm. R. Swanwick
St. John's & Mary

Commonwealth

vs.

William Runion

Memo of authorities &c, on demurrer to indictment

Both counts of the indictment are demurred to upon the ground that they allege that the burning was committed with intent to injure and defraud. The language of the Stat. creating the offense is if the act be done with intent to injure. The allegation that it was with intent to injure and defraud creates an offense not covered by the statute upon which the indictment is attempted to be founded, and in this the variance is material.

In describing an offense under a statute the indictment must follow the statute and any material variance will be fatal.

Bailey vs. Comwth 78 Va. 19-23, and cases cited.

Boyle vs. Comwth. 14 Gratt. 673. Youngs case 15 Gratt p 666.

Cousins case 19 Gratt. 821-12. Olds case 18 Gratt. 913

Code 3702

The second count of the indictment is demurred to upon the ground that it does not allege title to the property burned, in any person. The averment that the building was occupied by William Runion as a residence is not an averment as to the title. While the Stat. provides a penalty for the burning whether the title be in the accused or some other person, this in nowise obviates the necessity of the allegation as to the title - It must be alleged ~~that~~ either that title was in the accused, or that title was in some other person.

Butlers case 81 va. 139. State vs. Hupp 31 W.Va. 337 (8 S.E. 920)

Whartons Crim. Law. Sect 816 ⁷⁹⁸ Richards case 81 Gratt 111-113

Stark Crim Pleading, 2 ed 182.

Whartons Crim. Law § 841

Code 3796

William Fulton

Memo of authorities to, on demurrer to indictment

Both counts of the indictment are demurred to upon the ground that the alleged fact the building was owned with intent to injure and defraud. The language of the act, creating the offense is it is not to some with intent to injure. The allegation that it was with intent to injure and defraud creates an offense not covered by the statute upon which the indictment is alleged to be founded, and in this the variance is material.

In describing an offense under a statute the indictment must follow the statute and any material variance will be fatal. Bailey vs. Commonwealth, 18-33, and cases cited. Boyle vs. Commonwealth, 18 Grant, 433. Youngs case 18 Grant 9 688. Commonwealth case 18 Grant, 881-12. Old case 18 Grant, 813.

18-33

The second count of the indictment is demurred to upon the ground that it does not allege title to the property demurred, in any person. The averment that the building was owned by William Fulton as a residence is not an averment as to the title. While the act provides a penalty for the injury whether the title be in the accused or some other person, this in no wise obviates the necessity of the allegation as to the title - It must be alleged ~~and~~ either that title was in the accused, or that title was in some other person.

Boyle case 18 Grant, 103. State vs. Hupp 31 W. Va. 237 (S.E. 280) Western Union case 18 Grant 111-112. State vs. Fleming, 18 Grant, 123.

William Fulton

18-33

Commonwealth of Virginia, } To-wit:
Rockingham County, }

Be it Remembered that on the 13 day of February 1911

William Rouse, Fydie E. Rouse, S. Frank Sprinkle and C. H. Wurfel came before me H. W. Beckman Notary

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said William Rouse

in the sum of Two Thousand Dollars,

good and lawful money of the United States, and the said Fydie E. Rouse as surety

in the sum of One Thousand Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said William Rouse shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound William Rouse

do and shall personally appear before the County Court of Rockingham on the 1st day of the March Term next thereof, being the 20 day of

March 1911, at the Court-house thereof, and then and there answer a bill of indictment

to be preferred to the Grand Jury in and for said County against him the said William Rouse

for a felony by him committed, for

unlawfully and feloniously attempting to set fire or setting fire

setting fire to and attempting to burn a certain

dwelling house the property of said William Rouse

with intent to defraud the Phoenix Insurance

Company of Norfolk of whereof the said William Rouse stands charged, and shall not

depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise

to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.

H. W. Beckman N. C.

as surety & each in sum of \$1000

Commonwealth of Virginia
Rockingham County

Know all men by these presents, that I, _____
of the County of _____ State of _____
do hereby certify that _____
is the true and correct copy of _____
as the same appears by the records of _____

in and to the said _____
County of _____ State of _____
this _____ day of _____ 19____
at _____

Witness my hand and seal of office
this _____ day of _____ 19____
at _____

State of Virginia

Rockingham Co, To wit:

To the Sheriff of Rockingham County:

Whereas, D.E.Croushorn, a Deputy Sheriff of the said county has this day made complaint and information on oath before me, J.H.Downing, a Justice of the Peace of said county, that he has just cause to suspect and doth suspect that William Runion on the 7th day of February 1911, in said county, a certain dwelling house, the property and house of the said William Runion, situate in the said county, and which said dwelling house then was, to wit, on the day and year aforesaid, insured by the *Phoenix* Insurance Company of *Hartford, Ct.*, against loss and damage by fire, did feloniously and willfully burn, with intent thereby to injure and defraud said *Phoenix* Insurance Company of *Hartford, Ct.*:

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 William Runion to answer the said complaint and be further dealt with according to law.

Given under my hand and seal this February 8, 1911.

J.H. Downing J.P. (seal)

Executed February 13th. 1911, by arresting the above-named William Runion and bringing him before J. H. Downing, J. P.

E. Carverhoff

Sheriff Rockingham County, Virginia.

State of Virginia
Rockingham Co, Twitt:
To the Sheriff of Rockingham County:
Whereas, J. H. Groushorn, a Deputy Sheriff of the said
County has this day made complaint and information on oath

that he has just cause to suspect and hath
suspected that William Runion on the 21st day of
February, 1871, in said county, a certain dwelling house
situated in the said county, which said dwelling house
on the day and year aforesaid insured by the
Rockingham County Fire Insurance Company, and
deliberately and wilfully burnt and destroyed
the same, and defrauded said company of the sum
of money, to-wit: \$1000.00

James Stewart

No 3 Tolsony warrant.

William Runion

John P. Runion

John P. Runion

John P. Runion

Frank Spinkley
O. S. Phillips
The Wm. Runion

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 William Runion to answer the said complaint
and be further dealt with according to law.
Given under my hand and seal this 26th day of February, 1871.

J. H. Groushorn

James Stewart
John P. Runion

THIS DEED, MADE THIS 12 DAY OF November 1901, BETWEEN

William Runion and Lydia E. Runion

of the County of Rockingham

Va., party of the first part, and

Mary R. Rhinehart

of the County of

Rockingham

of the second part.

WITNESSETH, That in consideration of

the assumption and payment by said Mary Rhinehart of all debts due and liabilities due and to become due from said parties of the first part to the Valley Building and Loan Association of Woodstock, Va. which are liens of record against the real estate hereinafter described and evidenced by two several deeds of title executed by said parties of the first part on the 7th day of June 1901 and of record in the Clerk's Office of the County of Rockingham, Va. in Book Number 20-41 last aforesaid.

do grant with general warranty unto the said Mary R. Rhinehart her heirs and assigns forever

the following described tract or

parcel of land, situated, lying and being in the County of Rockingham Va., and bounded as follows, to-wit:

BEGINNING

Lot No. 3 of Roots Addition to the Town of Broadway, Va. adjoining the properties of Shepherd & others together with the improvements thereon, and being the same lot conveyed to said Wm Runion by P. J. Lamb by deed dated June 7th 1901

containing _____ acres, be the same more or less.

WITNESS the following signatures and seals, the day and year above written.

[L. S.]

[L. S.]

[L. S.]

William Runion

[L. S.]

[L. S.]

Lydia E. Runion

[L. S.]

[L. S.]

Mary R. Rhinehart

[L. S.]

STATE OF VIRGINIA, COUNTY OF Rockingham TO-WIT:

I, J. W. Pugh a Notary Public, for the County aforesaid, in the State of Virginia, do certify that William Rumion and Lydia E. Rumion his wife, and Mary R. Rhinehart whose names signed to the writing above, bearing date the 12th day of November 1901, have acknowledged the same before me in my County aforesaid.

Given under my hand, this 29th day of November 1901

J. W. Pugh N.P.

TO { DEED.	
Recorded in Liber No. _____	Folio _____
Received _____ 19____	
and admitted to record.	Tax \$ _____
	Fee \$ _____
Tester: _____	Clerk: _____

M.I.L. 20-11-11

THIS DEED

COMMONWEALTH OF VIRGINIA.

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETING:

WHEREAS at a Circuit Court held in and for the County of Rockingham in the month of April, in the year one thousand nine hundred and eleven WILLIAM RUNION, #10050 was convicted of house Burning and was thereupon sentenced to be imprisoned in the Penitentiary for the term of Three (3) Years, and whereas it appears to the Executive that he is a fit subject for clemency,

THEREFORE, I, WM. RODGES MANN, Governor of the Commonwealth of Virginia, have, by virtue of authority vested in me, pardoned and so hereby pardon the said WILLIAM RUNION and do order that he be forthwith discharged from imprisonment, but upon the terms and conditions following, namely:

That the said WILLIAM RUNION will conduct himself in the future as a good, law-abiding citizen; and if ever again he be found guilty of a violation of the penal laws of the Commonwealth this pardon shall be null and void.

Given under my hand and under the lesser seal of the Commonwealth, at Richmond, this Eleventh day of December, in the year of our Lord one thousand nine hundred and twelve, and in the one hundred and thirty-seventh year of the Commonwealth.

S E A L

Signed WM. RODGES MANN

By the Governor:

Signed Jas. H. Hayes, Jr.
Acting Secretary of the Commonwealth.

I, WILLIAM RUNION, #10050, hereby accept the above pardon with the conditions therein set forth.

Signed William Runion.

Witness:

Signed C. Donbrick.

COMMONWEALTH OF VIRGINIA.

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETING:

WHEREAS at a Circuit Court held in and for the County of
Rockingham in the month of April, in the year one thousand
nine hundred and eleven WILLIAM WHITE, JUDGE was con-
victed of house burning and was thereupon sentenced
to be imprisoned in the Penitentiary for the term of
three (3) years, and whereas it appears to the Executive
that he is a fit subject for clemency,

HERBERT H. HARRIS, Governor of the Common-
wealth of Virginia, have, by virtue of authority vested
in me, pardoned and so hereby pardon the said WILLIAM
WHITE and do order that he be forthwith discharged from
imprisonment, but upon the terms and conditions following:

That the said WILLIAM WHITE will conduct himself in
the future as a good, law-abiding citizen; and if ever
again he be found guilty of a violation of the laws
of the Commonwealth this pardon shall be null and
void.

Given under my hand and under the
Great Seal of the Commonwealth,
at Richmond, this Eleventh day of
December, in the year of our Lord
one thousand nine hundred and eleven,
and in the one hundred and thirty-seventh
year of the Commonwealth.

Signed: W. HARRIS

By the Governor

Signed: J. HARRIS, Jr.
Acting Secretary of the Commonwealth.
I, WILLIAM WHITE, JUDGE, hereby accept the above pardon
with the conditions therein set forth.
Signed: William White

Witness:

Signed: J. DORRIS

I, J. B. WOOD, SUPERINTENDENT OF THE VIRGINIA PENITENTIARY,
do hereby certify that the hereto attached paper is an
exact and true copy of the pardon of William Runion, the
same being on file in my office.

J. B. Wood, Supt

STATE OF VIRGINIA

CITY OF RICHMOND

I, ROSCOE E. HUGHES, a Notary Public in and
for the State and City aforesaid do hereby certify
that J. B. WOOD, SUPERINTENDENT OF THE VIRGINIA PENI-
TENTIARY, appeared before me and made oath that the
attached paper is an exact and true copy of the pardon
of William Runion, the same being on file in his office.

Given under my hand this 15th day of May, 1913.

Roscoe E. Hughes
Notary Public

My Commission expires November 3, 1914.

I, J. B. WOOD, SHERIFF OF THE VIRGINIA TERRITORY,

do hereby certify that the hereto attached paper is an exact and true copy of the petition of William Jackson, the same being on file in my office.

Wm. Jackson

STATE OF VIRGINIA

CITY OF RICHMOND

I, ROBERT E. HUNTER, a Notary Public in and

for the State and City aforesaid do hereby certify that J. B. WOOD, SHERIFF OF THE VIRGINIA TERRITORY, appeared before me and made oath that the attached paper is an exact and true copy of the petition of William Jackson, the same being on file in his office. Given under my hand this 15th day of May, 1852.

Robert E. Hunter
Notary Public

My commission expires November 3, 1852.

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 1911, upon their oaths present that William Runion on the 7th day of February in the year 1911, in the said County, a certain dwelling house, the property and house of the said William Runion, situate in said County, and which said dwelling house then was, to-wit, on the day and year aforesaid, insured by the Phoenix Insurance Company of Hartford, Connecticut, against loss and damage by fire, did feloniously and wilfully burn with intent thereby to injure and defraud said Phoenix Insurance Company of Hartford, Connecticut; against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that William Runion on the 7th day of February in the year 1911, in the said County, a certain dwelling house, situate in said County, on the north side of Lee Street in the Town of Broadway which house was then and there occupied as a residence by said William Runion, and which said dwelling house then was, to-wit, on the day and year aforesaid, insured by the Phoenix Insurance Company of Hartford, Connecticut, against loss and damage by fire, did feloniously and wilfully burn with intent thereby to injure and defraud said Phoenix Insurance Company of Hartford, Connecticut, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of

William Flick
William Williams
Dr. Lutz Eras. Satiars
J. L. Thurston

witnesses sworn in open Court and sent to the Grand Jury to give

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 1911, upon their oaths present that William Runion on the 7th day of February in the year 1911, in the said County, a certain dwelling house, the property and house of the said William Runion, situate in said County, and which said dwelling house then was, to-wit, on the day and year aforesaid, insured by the Phoenix Insurance Company of Hartford, Connecticut, against loss and damage by fire, did feloniously and wilfully burn with intent thereby to injure and defraud said Phoenix Insurance Company of Hartford, Connecticut; against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that William Runion on the 7th day of February in the year 1911, in the said County, a certain dwelling house, situate in said County, on the north side of Lee Street in the Town of Broadway which house was then and there occupied as a residence by said William Runion, and which said dwelling house then was, to-wit, on the day and year aforesaid, insured by the Phoenix Insurance Company of Hartford, Connecticut, against loss and damage by fire, did feloniously and wilfully burn with intent thereby to injure and defraud said Phoenix Insurance Company of Hartford, Connecticut, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of

William Flick
William Williams
Dr. Lutz Cross. Satiards
J. L. Thurston

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

Clerk.

He, the Jury find the accused, William Rinnion, guilty in manner and form as charged in the within indictment, and fix his punishment at confinement in the penitentiary for a period of three years.

W. H. Haulbarger, Foreman.

W. Rinnion

Wm. Rinnion

Wm. Rinnion

Wm. Rinnion

Don't return until

Prison

to [unclear]

William Rinnion

A true Bill

to the Grand Jury

W. H. Haulbarger

W. Rinnion

W. Rinnion

W. Rinnion

W. Rinnion

W. Rinnion