INSTRUCTION NO. _____

The Court instructs the Jury that murder is the unlawful killing of any person with malice aforethought and is distinguished in Virginia as murder in the first degree and murder in the second degree. By murder in the first degree is meant that the prisoner must have been incited to the killing by malice and the killing must have been a wilful, deliberate and premeditated act on the part of the prisoner; that is to say, he must have willed deliberated and premeditated that he would kill the deceased or do him some serious bodily injury, the necessary result of which would be his death or from whichhe died.

All other murder is murder in the second degree. By voluntary manslaughter is meant the unlawful killing of a person without malice, actual or implied, upon a sudden heat, on reasonable provocation or in mutual combat.

INSTRUCTION NO. _____

The Court further instructs the jury that to constitute a wilful, deliberate, and premeditated killing it is not necessary that the intention to kill should exist any particular length of time prior to the actual killing. It is only necessary that such intention should come into existence for the first time at the time of killing, or any time previously.

mag

Jackson 's case, 97 Va., 72.

INSTURCTION NO._____

The Court instructs the jury that though they believe from the evidence that J. Milton Hensley threw a rock or rocks at Robt. Monger and struck him in the side, yet if they further believe that said Monger then retired to a point of safety, went to his drill and took a pistol therefrom and returned toward said Milton Hensley and fatally shot him when said Hensley was making no effort to assault or injure said Monger then, the jury should find said Monger guilty of murder or manslaughter according as there was time to cool or not.

?

Ref. as Murd.

(See Minor's Crim. Law, P.43)

INSTRUCTION NO. _____

The Court instructs the jury that a reasonable doubt is such a doubt as may be honestly and reasonably entertained as to some substantial and material fact essential to prove the offence charged. A reasonable doubt must be based upon the evidence or be such as is suggested by the evidence, or grows out of the evidence itself, or out of the lack of evidence. It must not be arbitrary doubt. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of material fact or facts necessary for the jury to believe to find a verdict of conviction, and not of immaterial and non-essential circumstances.

No ob.

Mod.

INSTRUCTION NO. _____

The Court instructs that if they believe from the evidence that Robt. Monger maliciously shot and killed Milton Hensley, while he was at work or when he was making no attempt to assault said Monger or his sons, then the jury should find the accused guilty of murder, even though the jury believe from the evidence that Claude Hensley had previously shot said Monger or shot at Jesse Monger.

No. 5. Put Dunn ?

INSTRUCTION NO. _____

The Court instructs the jury that if they believe from the evidence that Milton Hensley made no assault upon Robt. Monger until said Monger drew his pistol from his drill and started toward said Hensley in a threatening attitude, such as to give said Hensley reasonable ground to believe that said Monger intended to immediately inflict upon said Hensley or his son, death or serious bodily harm, then the said Milton Hensley had the right in defense of himself or his son to throw rocks at said Monger and though the jury believe said Hensley did then throw at said Monger, it was the duty of said Monger then to have retreated as far as he safely could and if he failed to do so but instead, then shot and killed said Hensley, the jury should find the accused guilty of murder or manslaughter as may appear proper from the evidence and Instruction No. 1.

INSTRUCTION No. _____

The Court instructs the jury that if they believe from the evidence that at the time Robert Monger shot J. Milton Hensley, the said Hensley was not attempting to throw a hatchet at said Monger, and that there was no reason at the time for said Monger to believe that said Hensley was attempting so to do, then the jury are instructed that it is their duty to convict the said Monger, ~~[illegible]~~ ~~unless they believe he shot said Hensley in the sudden heat of passion arising on a sufficient provocation in which event they should find him guilty of voluntary manslaughter.~~

or Manslaughter in any event you as jurors

Com.
v
Morgan

Instructions
for the Com.
Report or
Amendment
Substituted

As to Robert Monger, for murder.

Charge.

If you find Robert Monger not guilty you shall say so and no more.

If you find him guilty of murder in the first degree you shall say so and then ascertain his punishment by death or by confinement in the penitentiary for life.

If you find him guilty of murder in the second degree you shall say so and then ascertain his punishment by confinement in the penitentiary so that such confinement shall not be less than five nor more than eighteen years.

If you find him not guilty of either of the aforesaid felonies but guilty of voluntary manslaughter you shall say so and then ascertain his punishment by confinement in the penitentiary so that such confinement shall not be less than one nor more than five years.

If you find him not guilty of any of the aforesaid felonies but guilty of involuntary manslaughter you shall say so and then ascertain his punishment by fine or by confinement in jail or by both so that such fine be not less than five dollars.

Murder.

Commonwealth

v.

Robert Monger.

Charge

Murder.

Charge.

If you find Robert Monger not guilty you shall say so and no more.

If you find him guilty of murder in the first degree you shall say so and then ascertain his punishment by death or by confinement in the penitentiary for life.

If you find him guilty of murder in the second degree you shall say so and then ascertain his punishment by confinement in the penitentiary so that such confinement shall not be less than five nor more than sixteen years.

If you find him not guilty of either of the aforesaid felonious but guilty of involuntary manslaughter you shall say so and then ascertain his punishment by fine or by confinement in jail or by both so that such fine be not less than five dollars.

The Court instructs the jury that, if they believe from the evidence that at the time the deceased received his fatal wound, the accused was under reasonable apprehension from ~~the conduct, words and actions of the deceased~~ the circumstances, then and there existing, without fault on his part in bringing on the difficulty, as they appeared to him at the time, that the deceased designed or intended then and there to kill the accused or do him some serious bodily harm and was also under a reasonable apprehension that there was immediate danger of the deceased carrying this purpose into execution, ~~you~~ they should find the accused not guilty; and the Court instructs the jury that if they believe from the evidence the accused acted under reasonable apprehension as aforesaid, ~~you~~ they should find him [redacted] not guilty, even though ~~you should~~ they believe from the evidence that it turned out after the killing that the danger was apparent and not real; in other words, that the appearances were deceptive and there was in fact no purpose on the part of the deceased to kill the accused or do him serious bodily harm. The enquiry is not whether the harm apprehended was actually intended by Milton Hensley, ~~but did it appear actual and real to the accused as a~~ but whether the circumstances were such as, in the opinion of the jury, to warrant the accused ~~believing~~ ~~reasonable man, under the circumstances by which he was surrounded,~~ as a reasonable man in believing that the deceased was about to do him serious bodily harm, and he did so believe.

(See Campbell case, cited in Stoneman's case, 85 Gratt. Harrigan vs. Thompson, page 885; Parrish case, 81 Va. 15; Wharton, page 460; Parrish case, 81 Va. Drysdale vs. Georgia, 6 L. R. A. 424 and note. Wharton, both rules, 1-455, 459, best rule as amended.)

Com.
v
Morgan

Instruction for Dft.
Amended & rewritten

Appendix 11 Schedule
Ref.

The jury are instructed that if without provocation from the accused, Claude Hensley fired upon him, then if the accused reasonably believed, under the circumstances, that he was in imminent danger of being killed, or of receiving serious bodily harm at the hands of Claude Hensley, he had the right to repel such assault by such force as he deemed necessary, even to the extent of killing said Claude Hensley; and, if they further believe from the evidence that while the accused was attempting to so repel such assault, Milton Hensley intended by throwing rocks at the accused, or, the accused reasonably believed that Milton Hensley was about to throw a hatchet at him, then the accused was justified in killing said Milton Hensley, and they must find him not guilty.

No. 1

Commonwealth

vs { Murder

Robert Morgis

2/

Rep.

The Court instructs the jury that upon the trial of a criminal case by a jury, the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but it is likewise true with respect to the degree of crime. Therefore, although the jury may believe from the evidence, that the accused is guilty of the killing of the deceased, still, 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, should entertain a reasonable doubt as to the guilt or as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions ~~as to such degree of guilt~~ simply because the balance of the jury entertain different convictions with respect ~~to such degree.~~ thereto.

3/

Refs

The Court instructs the jury, that in criminal trials, the party accused is entitled to the benefit of the legal presumption in favor of innocence, which in doubtful cases is always sufficient to turn the scale in his favor. It is therefore, a rule of criminal law, that the guilt of the accused must be fully proved. Neither a mere preponderance of evidence nor any weight of preponderant evidenct is sufficient for the purpose, unless it generate full belief of the fact to the exclusion of all reasonable doubt. Kibler's Case, 94 Va. 813.

5/

Ref.

The Court instructs the jury that, in this case the law raises no presumption against the prisoner, but every presumption of law is in favor of innocence; he rests secure in that presumption until proof is adduced which establishes his guilt beyond reasonable doubt, and, in order to convict him, every material fact necessary to constitute the crime must be proved beyond a reasonable doubt, and, if the jury entertain any reasonable doubt upon any single fact, or element, necessary to constitute the crime, it is the jury's duty to give the prisoner the benefit of such doubt and acquit him.

7/

Def.

The Court further instructs the jury that circumstances of suspicion, no matter how grave or strong, are not proof of guilt, and that the accused must be found not guilty unless the fact of his guilt is proven beyond every reasonable doubt to the actual exclusion of every reasonable hypothesis of his innocence consistent with the fact proven. Henderson's case, 98 Va. 798.

8/

Refs

The Court instructs the jury that where any fact essential to the conviction of the accused is dependent on circumstantial evidence it is the duty of the jury to act upon such evidence with the utmost caution.

9/

Def.

The jury are instructed that even though they may believe from the evidence that Jesse Monger threw rocks at Claude Hensley, yet said Hensley had no right to shoot at said Jesse Monger unless he reasonably believed that he was thereby placed in imminent danger of death or serious bodily harm from which danger he could not extricate himself by retreating.

10

Ref.

The Court instructs the jury that if they believe from the evidence, that the prisoner, at the time he shot Milton Hensley, acted under reasonable belief that he was in imminent danger of serious bodily harm at the hands of Milton Hensley ~~and~~ or Claude Hensley, and that it was necessary for him to defend himself to avoid serious bodily harm, which was apparently imminent, then they are instructed that the prisoner was justifiable in defending himself by such means as were reasonably necessary, from his point of view, even to the extent of killing said Milton Hensley or said Claude Hensley, and even though the jury should believe that appearances were deceptive and that there was in fact no design on the part of said two men, or either of them, to kill the prisoner, or to do him serious bodily harm.

14

Ref.

The jury are further instructed that in order to determine the necessity of the prisoner killing the said Milton Hensley, and defending himself against the said Milton Hensley and Claude Hensley, the prisoner had a right to take into consideration any bad feeling which the jury may believe the evidence discloses the said Milton Hensley and Claude Hensley, or either of them, had against him, the prisoner, together with any threats by them or either of them, if any are shown by the evidence, to do him, the prisoner, seriously bodily harm.

13

Refs.

The Court instructs the jury that men, when threatened with danger, must determine from the state of things surrounding them as to the necessity of resorting to self-defense and if they act from reasonable and honest convictions, they will not be held responsible criminally for a mistake as to the extent of the actual danger.

14/

The Court instructs the jury that even though they may believe from the evidence that Jesse Monger, without provocation, threw rocks at Claude Hensley, the latter was not thereby justified in firing upon said Jesse Monger with a pistol, after Jesse Monger had retired from the combat and, if he did so fire upon Jesse Monger, or if the accused reasonably believed him to have so fired, and the appearances were such as to reasonably indicate to the accused that Claude Hensley intended to continue to fire on Jesse Monger; or, if, without provocation from the accused, said Claude Hensley fired upon the accused; then in either event, if the accused reasonably believed, under the circumstances, that he or said Jesse Monger, was in imminent danger of being killed, or of receiving serious bodily harm at the hands of Claude Hensley, he had the right to repel such assault by such force as he deemed necessary, even to the extent of killing said Claude Hensley; and, if they further believe from the evidence that while the accused was attempting to so repel such assault, the deceased, Milton Hensley, interfered, by throwing rocks at the accused, or, the accused reasonably believed that Milton Hensley was about to throw a hatchet at him, then the accused was justified in killing said Milton Hensley, and they must find him not guilty.

Cem.

Manager

Artist

Advertising

Prod.

Art

INSTRUCTION No. 1

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.

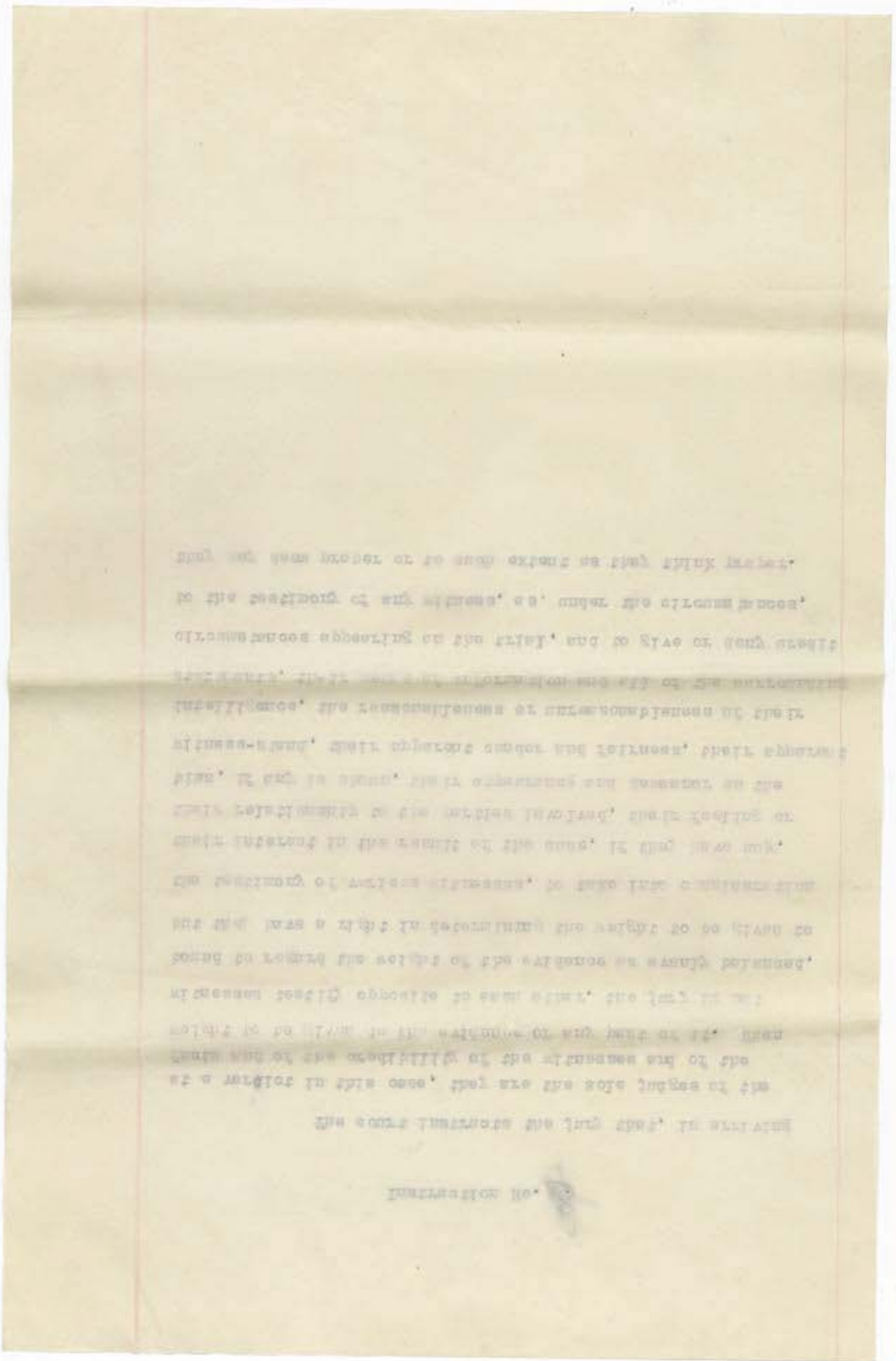
INSTRUCTION No 2.

The Court instructs the jury that if they believe from the evidence that the ~~prisoner~~ accused testified in the case of Commonwealth v. Robert Monger, as alleged in the indictment, then in determining whether such testimony was material to the issue in said case, the Court tells the jury that if that testimony was either directly or indirectly pertinent to the question of the guilt of the accused in that case, then the testimony of the prisoner was material.

And the Court further instructs the jury that the degree of materiality is of no importance.

Instruction No. 3

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 of 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.



INSTRUCTION No. 4

The Court instructs the jury that before the accused can be convicted of perjury, the falsity of the statement alleged to be perjured must be established either by the testimony of two witnesses or by the testimony of one witness and corroborating circumstances, and in either case the weight of the evidence must be such as to convince the jury beyond reasonable doubt that such statement was in fact false. The 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.

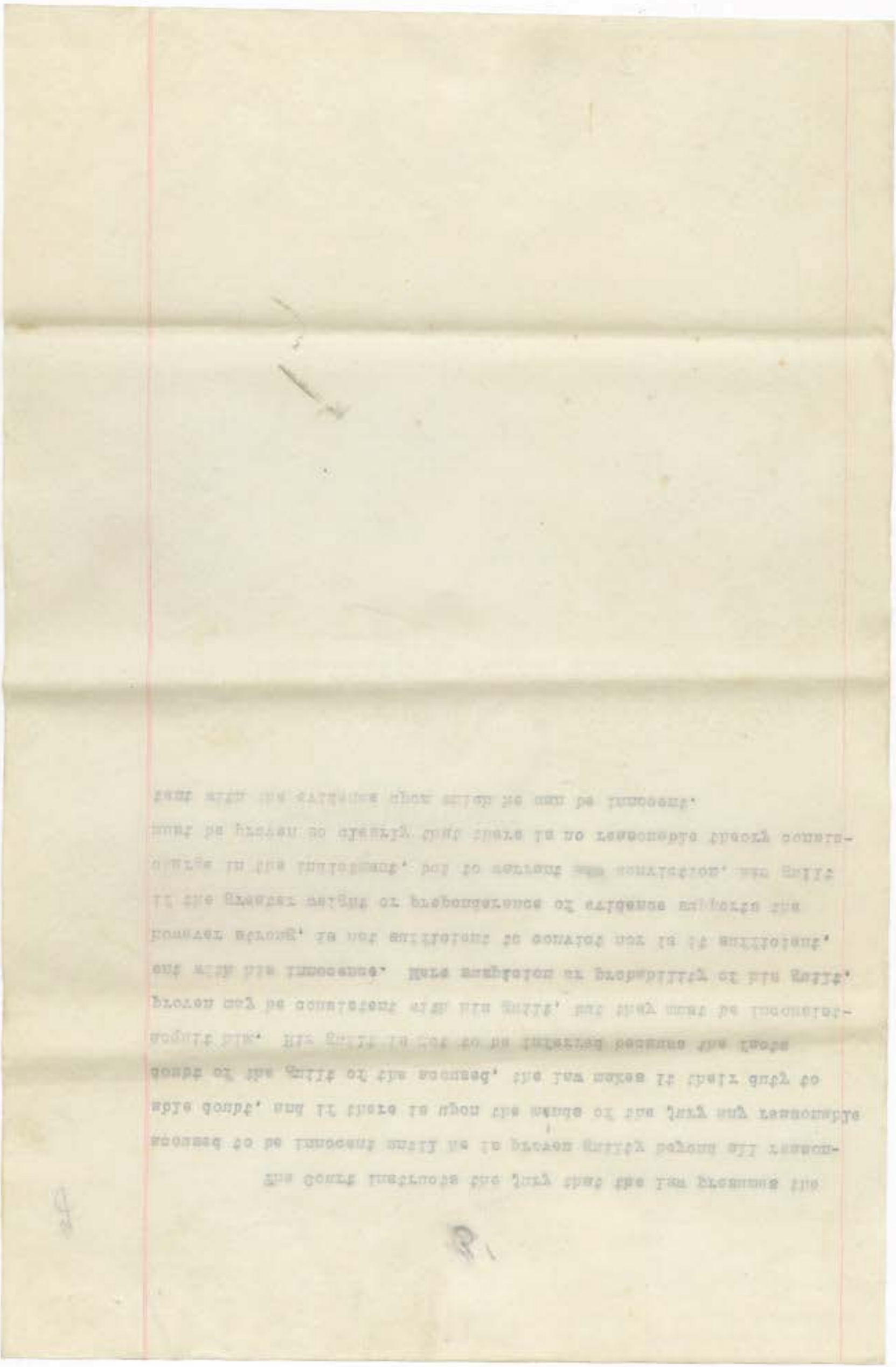
INSTRUCTION No. 4

The Court instructs the jury that before the accused can be convicted of perjury, the falsity of the statement alleged to be perjured must be established either by the testimony of two witnesses or by the testimony of one witness and corroborating circumstances, and in either case the weight of the evidence must be sufficient to convince the jury beyond reasonable doubt that such statement was in fact false. The 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 sustain the indictment the accused, one witness is sufficient if believed by the jury.

9

13'

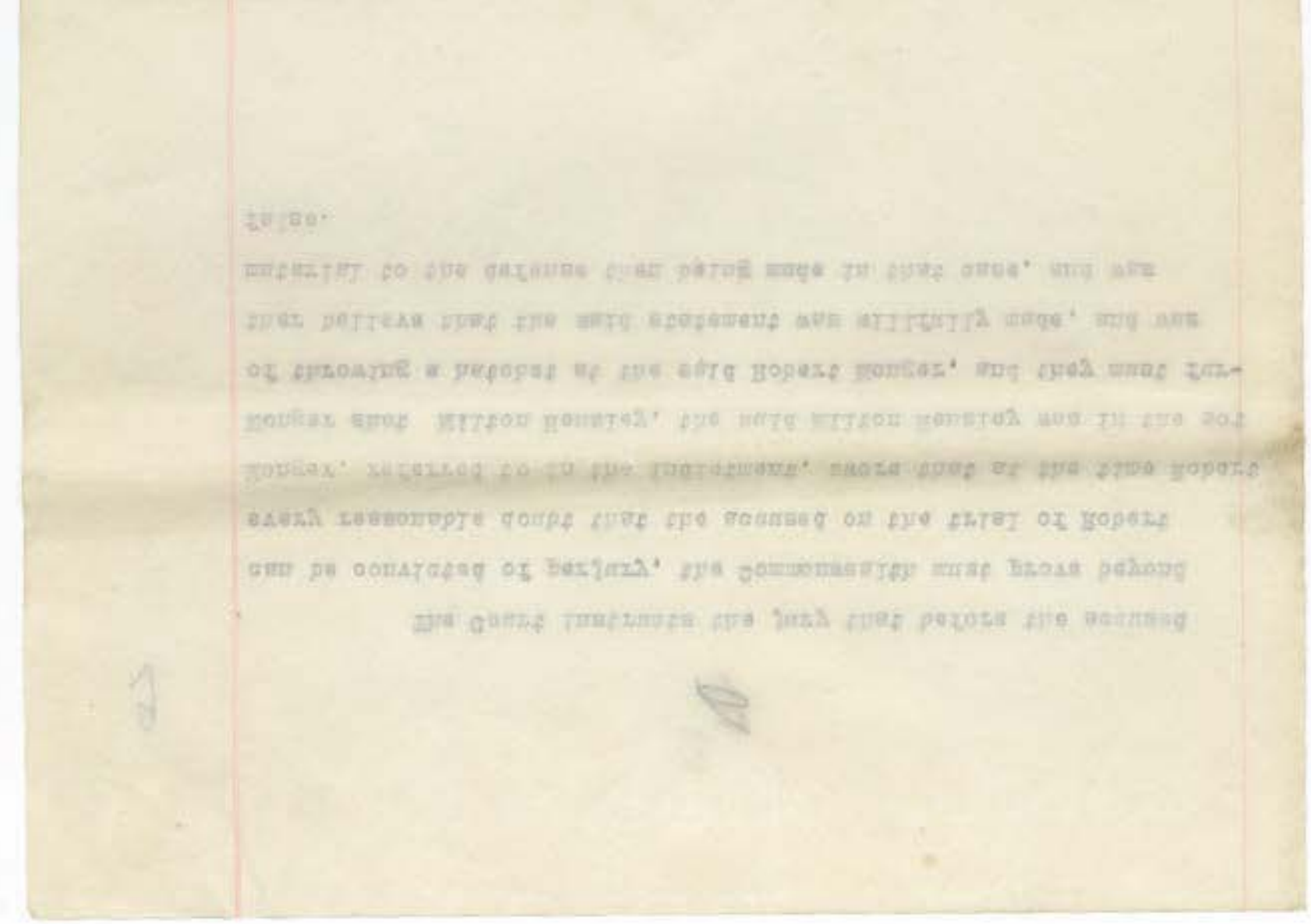
The Court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond all reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred 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.



9

B

The Court instructs the jury that before the accused can be convicted of perjury, the Commonwealth must prove beyond every reasonable doubt that the accused on the trial of Robert Monger, referred to in the indictment, swore that at the time Robert Monger shot Milton Hensley, the said Milton Hensley was in the act of throwing a hatchet at the said Robert Monger, and they must further believe that the said statement was willfully made, and was material to the defense then being made in that case, and was false.



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.

INSTRUCTION NO. 1.

The Court instructs the Jury that if they believe from the evidence in this case beyond a reasonable doubt that Robert Monger shot Claude Hensley, as charged in the indictment, and that the defendant, Jesse Monger, was present aiding, abetting, ~~counselling~~, ~~advising~~ encouraging or consenting to said crime, then the said defendant Jesse Monger is equally guilty with Robert Monger in the said crime.

INSTRUCTION NO. 2

The Court instructs the Jury that in considering whether or not Jesse Monger aided, abetted, counselled, advised or consented to the shooting of Claude Hensley, they may consider all the acts and declarations of the said Jesse Monger at the time of the said shooting, both before and after the shooting of the said Claude Hensley, and if they believe from the whole evidence that the accused was so aiding, and abetting in said crime, then he is guilty in this case.

Def.

Defendant's Peculiar Criminal Conduct - of Matt Monger -

INSTRUCTION NO. 3

The Court instructs the Jury that it is not necessary for the Commonwealth in this case to prove that the accused Jesse Monger actually participated in the shooting of Claude Hensley. If he was present and encouraged, incited or in any manner offered aid or consent to the shooting, (he is guilty and liable to the same punishment) as if he had actually done the shooting himself.

Mod. as indicated, the penal of it is proper.

Ref.

INSTRUCTION NO 5

The Court instructs the jury that the credibility of the witnesses is a question exclusively for the jury, and the law is that, where a number of witnesses testify directly opposite to each other, the jury is not bound to regard the weight of evidence as equally balanced. The jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, and their apparent candor and fairness, their apparent intelligence or lack of intelligence, and from all the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

INSTRUCTION 6

The Court further tells the jury, that in determining the weight to be given to the testimony of different witnesses in this case, the jury are authorized to consider the relationship of the witnesses to the parties, if the same is proved; their interest, if any, in the result of this case, their temper, feeling, or bias, if any has been shown; their demeanor while testifying; their apparent intelligence, and their means of information; and to give such credit to the testimony of ~~such~~ the different witnesses as under all the circumstances ~~such witness seems to be~~ they may consider them entitled to.

Com.
v3, no. 2.

Jesse Monger

Instructions for
Com. repealed or
modified or
withdrawn

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 March term,1918, UPON THEIR OATHS PRESENT, that on the 6th day of December,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its November term,1917, held at the Court House of said County by F.M.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the felonious assault on Claude S. Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 6th day of December until its conclusion on the 12th day of December,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Jesse Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by J.F.Blackburn,Clerk of 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 whole truth and nothing but the truth, the said Clerk of said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what J.Milton Hensley was doing when the said Robert Monger shot him, the said J. Milton Hensley, who was killed at the time of the aforesaid assault by the said Robert Monger, and that thereupon the said Jesse Monger, being so sworn as a witness, did, then and there, on the said trial, in the County aforesaid, feloniously and willfully, swear falsely, touching a material matter, to-wit, that the said J.Milton Hensley

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was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereas, in truth and in fact, the said J.Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereby the said Jesse Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

Tequesta Trading Post, Inc. Jupiter, Florida

Mr. Alan Ward, Pelican Bay Club, Tequesta, Fla.

Dear Mr. Ward:

Enclosed herewith is a check for $50.00 to cover the cost of the
Pelican Bay Club Tequesta Trading Post, Inc. Jupiter, Florida

Mr. Alan Ward, Pelican Bay Club, Tequesta, Fla.

Dear Mr. Ward:

Enclosed herewith is a check for $50.00 to cover the cost of the

March Term, 1918.

Perjury.

Commonwealth

vs. Indictment No. 2.

Jesse Monger

For a Felony.

A True Bill.

G. R. Eastham

Foreman.

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 March term,1918, UPON THEIR OATHS PRESENT, that on the 6th day of December,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its November term,1917, held at the Court House of said County by Hon. T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the felonious assault on one Claude B. Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 6th day of December until its conclusion on the 12th day of December,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Jesse Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by said Court, then and there sitting upon the trial aforesaid, that the evidence he should give upon the said trial should be the truth, the whole truth and nothing but the truth, the said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what one J. Milton Hensley was doing when the said Robert Monger shot him, the said J. Milton Hensley, who was killed at the time of the aforesaid assault by the said Robert Monger, on the said Claude, and that thereupon the said Jesse Monger, being so sworn as a witness, did, then and there, on the said trial, in the County aforesaid, feloniously and willfully, swear falsely, touching a material matter, to-wit, that the said J. Milton Hensley was in the act of throwing a hatchet at the said

Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereas, in truth and in fact, the said J.Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereby the said Jesse Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

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March Term,1918.
Perjury in case of Com. v.Monger
For assault on Claude Henseley.

Commonwealth

vs. Indictment No B.

Jesse Monger

F O R A F E L O N Y.

A TRUE BILL.

G. R. Earthman
.....
Foreman.

Harry M. Strickler
Commonwealth's Attorney.

Commonwealth of Virginia,

County of Rockingham, To-wit:

In the Circuit Court of said County:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending the Circuit Court of said county, at its March Term,1918, UPON THEIR OATHS PRESENT, that on the 6th day of December,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its November term,1917, held at the Court House of said County by Hon. T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the felonious assault on one Claude B. Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 6th day of December until its conclusion on the 12th day of December,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Jesse Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by said Court, then and there sitting upon the trial aforesaid, that the evidence he should give upon the said trial should be the truth, the whole truth and nothing but the truth, the said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what one J. Milton Hensley was doing when the said Robert Monger shot him, the said J.Milton Hensley, who was killed at the time of the aforesaid assault by the said Robert Monger, on the said Claude, and that thereupon the said Jesse Monger, being so sworn as a witness, did, then and there, on the said trial, in the County aforesaid, feloniously and willfully, swear falsely, touching a material matter, to-wit, that the said J. Milton Hensley was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and

killed him, the said J. Milton Hensley; whereas, in truth and in fact, the said J. Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereby the said Jesse Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

March Term, 1918.
Perjury in Com. v. Monger
For murder of J. Milton Hensley

Commonwealth

vs. Indictment No. A.

Jesse Monger

FOR A FELONY

A TRUE BILL.

G. N. Eastham
Foreman

Harry M. Strickler
Com. 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, at its March Term,1918, UPON THEIR OATHS PRESENT, that on the 6th day of December,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its November term,1917, held at the Court House of said County by Hon.T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the felonious assault on one Claude H. Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 6th day of December until its conclusion on the 12th day of December,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Arthur Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by said Court, then and there sitting upon the trial aforesaid, that the evidence he should give upon the said trial should be the truth, the whole truth and nothing but the truth, the said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what one J. Milton Hensley was doing when the said Robert Monger shot him, the said J.Milton Hensley, who was killed at the time of the aforesaid assault by the said Robert Monger, on the said Claude, and that thereupon the said Arthur Monger, being so sworn as a witness, did, then and there, on the said trial, in the County aforesaid, feloniously and willfully, swear falsely, touching a material matter, to-wit, that the said J. Milton Hensley was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot

and killed him, the said J. Milton Hensley; whereas, in truth and in fact, the said J. Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereby the said Arthur Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

March Term, 1918.
Perjury in case of Com. v. Monger
For assault on Claude Hensley.

Commonwealth

vs. Indictment No. B.

Arthur Monger

For A Felony.

A TRUE BILL.

G. R. East Foreman
.....
Foreman.

Harry M. Strickler
Commonwealth's Attorney.

Claude H. Hensley

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 March Term,1918, UPON THEIR OATHS PRESENT, that on the 6th day of December,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its November term,1917, held at the Court House of said County by T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the felonious assault on Claude B.Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 6th day of December until its conclusion on the 12th day of December,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Arthur Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by J.F.Blackburn, Clerk of 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 whole truth and nothing but the truth, the said Clerk of said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what J. Milton Hensley was doing when the said Robert Monger shot him, the said J.Milton Hensley, who was killed at the time of the aforesaid assault by the said Robert Monger, and that thereupon the said Arthur Monger, being so sworn as a witness, did, then and there, on the said trial, in the County aforesaid, feloniously and willfully, swear falsely, touching a material matter, to-wit, that the said J.Milton Hensley

Commissariat to Argentina.

Pretoria, 4th December 1918.

Consul to Montevideo.

Sir,

I have the honour to acknowledge the receipt of your letter of the 2nd instant, and to inform you that I have forwarded a copy of your letter to the Commissariat to Argentina, Buenos Aires, for information and to inform the Consul at Buenos Aires that no data is available at this Consulate-General regarding the Italian Consul at Montevideo.

Your obedient Servant to Alan Consul-General.

Consul to Montevideo.

Sir,

I have the honour to acknowledge the receipt of your letter of the 2nd instant, and to inform you that I have forwarded a copy of your letter to the Commissariat to Argentina, Buenos Aires, for information and to inform the Consul at Buenos Aires that no data is available at this Consulate-General regarding the Italian Consul at Montevideo.

I have the honour to be, Sir, Your obedient Servant, Alan Consul-General.

Consul to Montevideo.

was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot and killed him, the said J. Milton Hensley; whereas, in truth and in fact, the said J.Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger,shot and killed him, the said J.Milton Hensley; whereby the said Arthur Monger did,then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

March Term, 1918.

Perjury

Commonwealth

vs. Indictment No.2.

Arthur Monger

For a felony.

A TRUE BILL

G. R. Eastham

Foreman.

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 March term,1918, UPON THEIR OATHS PRESENT, that on the 5th day of October 1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its September term,1917, held at the Court House of said County by Hon.T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the murder of one J. Milton Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 5th day of October,1917, until its conclusion on the 13th day of October,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Arthur Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by said Court, then and there sitting upon the trial aforesaid, that the evidence he should give upon the said trial should be the truth, the whole truth and nothing but the truth, the said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what J. Milton Hensley was doing when the said Robert Monger shot him, the said J. Milton Hensley; and that thereupon the said Arthur Monger, being so sworn as a witness, did then and there on the said trial, in the County aforesaid, feloniously and willfully swear falsely, touching a material matter, to-wit, that the said J. Milton Hensley was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger shot him, the said J. Milton Hensley; whereas, in truth and in fact, the said J. Milton Hensley was not

in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot him, the said J. Milton Hensley: whereby the said Arthur Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

March Term,1918.
Perjury in Com. v. Monger
For Murder of J.M.Hensley

Commonwealth

vs. Indictment No.A.

Arthur Monger

FOR A FELONY

A TRUE BILL.

G. B. Fontaine
Foreman

Harry M. Strickler
Commonwealth's Attorney.

Commonwealth of Virginia,

County of Rockingham, to-wit:

In the Circuit Court of said County:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending the Circuit Court of said county, at its March Term,1918, UPON THEIR OATHS PRESENT, that on the 5th day of October,1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its September term,1917, held at the Court House of said County by T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the murder of one J. Milton Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 5th day of October,1917, until its conclusion on the 13th day of October,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Jesse Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by J.F.Blackburn, Clerk of 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 whole truth and nothing but the truth, the said Clerk of said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what J. Milton Hensley was doing when the said Robert Monger shot him, the said J. Milton Hensley; and that thereupon the said Jesse Monger, being so sworn as a witness, did then and there on the said trial, in the County aforesaid, feloniously and willfully swear falsely, touching a material matter, to-wit; that the said J.Milton Hensley was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger shot him, the said J.Milton

Commissariat de Artigas.

Señor Ministro de Relaciones Exteriores:

Me dirijo al Ministerio de Relaciones Exteriores para comunicarle que el Ciudadano Don Manuel Artigas, Comisario de Guerra de la Provincia Oriental, ha sido nombrado por el Excmo. Señor Director Don Carlos Alvear, Comisario de Guerra de la Provincia de Buenos Aires, y Comandante General de Campaña de la Provincia Oriental, en reemplazo de Don Juan Francisco Tacuarí, que se ha retirado a su casa.

Tengo el honor de comunicar a V.E. que el Ciudadano Don Manuel Artigas, se ha presentado en el Ministerio de mi cargo, y he dado cuenta de su nombramiento al Excmo. Señor Director Don Carlos Alvear, quien me ha ordenado que lo comunique a V.E. para que se sirva tomar conocimiento de dicho nombramiento, y de

Hensley; whereas, in truth and in fact, the said J. Milton Hensley was not in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot him, the said J. Milton Hensley; whereby the said Jesse Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

Tuesday; whereas, in truth and in fact, the said J. Milton Tuesday
was not in the act of throwing a bucket of

We the jury find the defendant not guilty.

Chas. W. Zigler - foreman

March Term, 1918.

Perjury.

Commonwealth

vs. Indictment No. 1.

Jesse Monger

For a Felony.

A TRUE BILL.

G. R. Eastham

Foreman.

file

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 March Term,1918, UPON THEIR OATHS PRESENT, that on the 5th day of October 1917, in said County, at the Circuit Court in and for said County, and within the jurisdiction of said Court, at its September term,1917, held at the Court House of said County by T.N.Haas, Judge of the said Circuit Court, one Robert Monger was tried on an indictment for a felony, to-wit, for the murder of one J.Milton Hensley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 5th day of October,1917,until its conclusion on the 13th day of October,1917, and that upon the trial of the said Robert Monger for the felony aforesaid Arthur Monger appeared in said court as a witness for and on behalf of the said Robert Monger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by J.P.Blackburn, Clerk of 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 whole truth and nothing but the truth, the said Clerk of said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Monger for the felony aforesaid it then and there became material to enquire what J.Milton Hensley was doing when the said Robert Monger shot him,the said J.Milton Hensley; and that thereupon the said Arthur Monger, being so sworn as a witness, did then and there on the said trial, in the County aforesaid, feloniously and willfully swear falsely, touching a material matter,to-wit, that the said J. Milton Hensley was in the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger shot him, the said J.Milton Hensley; whereas,in truth and in fact,the said J.Milton Hensley was not in

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 the April Term,1917, THE GRAND JURY, that on the 8th day of October 1917, in said County, at the Circuit Court in and for said County, and within the Jurisdiction of said Court, at the September term,1917, held at the Court House of said County by J.R.Shaw, Judge of the said Circuit Court, one Robert Bunger was tried on an indictment for a felony, to-wit, for the murder of one J.Milton Beasley, as more fully appears from the records of said Court, the said trial continuing from day to day, from the 8th day of October,1917,until the conclusion on the 12th day of October,1917, and that upon the trial of the said Robert Bunger for the felony aforesaid Arthur Bunger appeared in said court as a witness for and on behalf of the said Robert Bunger and was then and there, in said County, and in the Circuit Court aforesaid, duly sworn by J.T.Blackburn, Clerk of 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 whole truth and nothing but the truth, the said Clerk of said Court then and there having authority by law to administer the said oath; and that upon the trial of the said Robert Bunger for the felony aforesaid it then and there became material to enquire what J.Milton Beasley was doing when the said Robert Bunger shot him,the said J.Milton Beasley; and that thereupon the said Arthur Bunger, being on sworn as a witness, did then and there on the said trial, in the County aforesaid, feloniously and wilfully swear falsely, touching a material matter,to-wit, that the said J. Milton Beasley was in the act of throwing a brick at the said Robert Bunger when he, the said Robert Bunger shot him, the said J.Milton Beasley; whereas,in truth and in fact,the said J.Milton Beasley was not in

the act of throwing a hatchet at the said Robert Monger when he, the said Robert Monger, shot him, the said J.Milton Hensley; whereby the said Arthur Monger did, then and there, upon the said trial, in the County aforesaid, feloniously and willfully, swear falsely, and feloniously commit willful perjury 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.

Dr J. M. Riedler,
Clende B Hensley.
Marion Hensley.
Ott Brill
~~Samuel Hensley~~ dont know anything about it
Poe Hensley.
Jimmie Plum.

We the jury find the accused not guilty

Chas. N. Fugler - foreman

March term, 1918.
Perjury

Commonwealth

vs. Indictment No. 1.

Arthur Monger

For a Felony

A TRUE BILL

G. R. Eastham
.....
Foreman.

The Commonwealth of Virginia, Rockingham County, to-wit:
In the Circuit Court of the said County:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending said Court at its September term, 1917, upon their oaths, present: That Robert Monger, of said County, on the 10th day of August, in the year 1917, in the County aforesaid, in and upon one, Claude Hensley, did make an assault and him the said Claude Hensley, feloniously and maliciously, did shoot, with intent him the said Claude Hensley, then and there to maim, disfigure, disable and kill, against the peace and dignity of the Commonwealth of Virginia. And the jurors aforesaid, upon their oath aforesaid, do further present, that Jesse Monger, on the day and year first aforesaid, in the County aforesaid, feloniously and maliciously was present, counselling, aiding, abetting, and assisting the said Robert Monger, the felony aforesaid to do and commit, and so the jurors, aforesaid, upon their oaths aforesaid, do say that the said Robert Monger and Jesse Monger in manner and form aforesaid, feloniously and maliciously, upon the said Claude Hensley, did make an assault, and him, the said Claude Hensley, did shoot with intent then and there to maim, disfigure, disable and kill the said Claude Hensley, against the peace and dignity of the Commonwealth of Virginia,

Upon the evidence of

witnesses sworn in open Court and sent to the grand jury to give evidence. Jesse Plunne Dr J. H. Bidler
Herbert Hensley Hiram A Hensley
Louis A Davis

September Term 1917.

#2

COMMONWEALTH

vs. Indictment.

Robert Monger & Jesse Monger.

For Felony

A TRUE BILL

Chas. R. Weaver

Foreman.

Peter McGuire

Harry M. Strickler,

Commonwealth's Attorney.

We the jury find the accused Robert Monger not guilty of either of the felonies charged in the indictment, but guilty of assault & battery on Claude Henry in manner and form as charged in the indictment and fix his punishment at a fine of $200.00

L Kirkpatrick
foreman of jury

We, the jury find the accused Jesse Monger, guilty of assault & battery in manner and form as charged in the indictment and fix his punishment at a fine of Twenty Dollars.

L. H. Hodges foreman

Commonwealth of Virginia, Rockingham County, to-wit:
In the Circuit Court of the said County:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, now attending said Court, at its September term, 1917, upon their oaths, present: That Robert Monger, of the said County, on the 10th day of August, in the year 1917, in the County aforesaid, in and upon one, J. Milton Hensley, in the peace of God and the people of this Commonwealth, then and there being, feloniously, wilfully and of his malice aforethought, did make an assault; and that the said Robert Monger, with a certain pistol, then and there loaded with gunpowder and leaden bullets, which pistol he the said Robert Monger, in his hand then and there held and had, to, against and upon the said J. Milton Hensley, then and there feloniously, wilfully and of his malice aforethought, did shoot and discharge; and that the said Robert Monger, with the bullets aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder and shot, sent forth as aforesaid, the said Robert Monger, in and upon the body of him the said J. Milton Hensley, then and there feloniously, wilfully and of his malice aforethought, did strike, penetrate, and wound, giving to the said J. Milton Hensley, then and there, with the bullets aforesaid, so as aforesaid shot, sent forth and discharged out of the pistol aforesaid, by the said Robert Monger, in and upon the body of the said J. Milton Hensley, one mortal wound, of which said mortal wound the said J. Milton Hensley, in the County aforesaid, did languish, and languishing did live, and shortly thereafter the same day, said 10th day of August, in the year aforesaid, the said J. Milton Hensley, in the County aforesaid, of the said mortal wound died. And the jurors, upon their oath aforesaid, do further present that Jesse Monger, on the day and year first aforesaid, in the County aforesaid, feloniously, wilfully, and of his malice aforethought, was present, counselling, aiding, abetting, and assisting the said Robert Monger, the felony and murder aforesaid, to do and commit, and

so the jurors aforesaid, upon their oath aforesaid, do say that the said Robert Monger and Jesse Monger, the said J. Milton Hensley, in manner and form aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of

witnesses sworn in upon Court and sent to the grand jury to testify.

Jamie Blume. Dr J. M. Beidler.
Herbert Hensley. Hiram A Hensley.
Louis R Davis.

We the jury find the prisoners, Robert Monger, guilty of murder in the second degree as indicted in this indictment and fix his punishment in the penitentiary for eight years.

Geo. P. Burks Foreman.

September Term 1917,

#1

COMMONWEALTH

vs. Indictment.

Robert Monger & Jesse Monger,

For Felony

A TRUE BILL

M. P. K. Weaver
Foreman.

Plea N.G.

Harry M. Strickler,
Commonwealth's Attorney.