

INSTRUCTION NO 1.

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

INSTRUCTION NO.2.

Every unlawful homicide must be either murder or manslaughter, and whether it be one or the other depends upon the means by which it was accomplished and on whether the person who perpetrated it did it with malice or not. If the act was done with a deadly weapon, or by means likely to cause death or serious bodily harm, and with malice, it is murder. If done in the heat of a sudden passion arising on sufficient provocation, or in the heat of mutual combat, it is voluntary manslaughter. If it be done in the commission of an unlawful act not felonious, by a means not likely and not intended to cause death or great bodily harm, it is involuntary manslaughter.

INSTRUCTION NO. 3.

Malice or malice aforethought is any formed design of doing mischief. It means a wrongful act done intentionally without just cause or excuse.

INSTRUCTION NO. 4.

Murder is distinguished by the law into murder in the first degree and murder in the second degree. Murder which is perpetrated by poison, lying in wait, starving, or any other wilful, deliberate and premeditated murder, is murder in the first degree; all other murder is murder in the second degree.

INSTRUCTION NO. 5.

The Court further instructs the jury that whenever the killing is wilful, deliberate, and premeditated, the law infers malice from that fact.

INSTRUCTION NO. 6.

The jury are instructed that circumstantial evidence is legal and competent and if it is of such character as to exclude every reasonable hypothesis other than that the defendant is guilty, it is entitled to the same weight as direct testimony.

EXHIBIT NO. 1

The following is a list of the items
which were examined and found to be
in accordance with the requirements of the
law. It is submitted to the court for
its consideration.

INSTRUCTION NO. 7.

The Court instructs the jury that they are the judges of the credibility of the witnesses, and that in determining the weight to be given to the testimony of the different witnesses they are authorized to consider their interest in the result of the case, if they have any; their relationship to the parties concerned; their temper, feeling, or bias, if any has been shown; their demeanor while testifying; their intelligence; their means of information; and all other circumstances appearing on the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances the jurors think they are entitled to.

INVESTIGATION NO. 7.

The first question is, how far does the weight of the evidence, and that in determining the weight to be given to the testimony of the alleged witnesses, the authorities to consider their interest in the result of the case, in any case? Their relationship to the parties concerned; their bias, feeling, or view, if any has been shown; their character and testimony; their intelligence; their means of information; and all other circumstances appearing in the trial, and to give each credit in the testimony of the witnesses according to each all the circumstances the facts which they are entitled to.

INSTRUCTION NO. 8.

The Court instructs the jury that although in order to convict the accused they must believe from the evidence he is guilty beyond a reasonable doubt; yet the jury are further instructed that it is no more their duty to endeavor to acquit the accused than it is to convict him.

INSTRUCTION NO. 9

The Court instructs the jury that where the Commonwealth relies upon circumstantial evidence alone for a conviction, as in this case, the Court tells the jury that they must scan the evidence with the greatest caution; and they will not be warranted in finding a verdict of guilty unless the circumstances proved are of such a character as to produce in fair and unprejudiced minds a moral conviction of the guilt of the defendant beyond all reasonable doubt.

[Faint, illegible title or header text]

[Faint, illegible body text, possibly a list or series of short paragraphs]

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The Court instructs the jury that the failure of the accused to testify creates no presumption against him.

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The Court has before it the facts of the case
and has heard the evidence and the arguments
of the parties and has reached its decision.

The Court instructs the jury that mere suspicion or probability of guilt will not suffice to justify the conviction of the accused, but in order to a conviction the minds of the jury must be satisfied by the evidence of the guilt of the accused beyond reasonable doubt. The guilt of the accused is not to be inferred merely because the facts proven are consistent with his guilt, but they must be inconsistent with his innocence.

The Court instructs the jury that mere suspicion or probability
of guilt will not suffice to justify the conviction of the accused,
but in order to be convicted the minds of the jury must be satisfied
by the evidence of the guilt of the accused beyond reasonable doubt.
The guilt of the accused is not to be inferred merely because the
facts proven are consistent with his guilt, but they must be incon-
sistent with his innocence.

12

The Court instructs the jury that it is not incumbent on the accused to establish his innocence by pointing out some other person as the guilty party, but the burden is on the commonwealth to show beyond reasonable doubt the guilty agency of the accused himself in the perpetration of the crime before he can be convicted.

17

The Court instructs the jury that it is not incumbent on the
 accused to establish his innocence by pointing out some other person
 at the guilty party, but the burden is on the Commonwealth to show
 beyond reasonable doubt the guilty agency of the accused himself in
 the perpetration of the crime before he can be convicted.

If the jury believe that the evidence fails to show any motive whatever for the commission by the defendant of the crime of which he is accused, then the Court tells the jury that the absence of any evidence of a motive or inducing cause for the crime, if the fact of its commission by defendant is in reasonable doubt, affords a strong presumption of his innocence.

Vaughan's Case, 85 Va. 672

10

If the jury believe that the evidence fails to show any motive
whether for the commission by the defendant of the crime of which
he is accused, then the Court will say that the absence of any
evidence of a motive or inducement does not, in the face
of the evidence by defendant in this case, create a
prima facie presumption of his innocence.

THE COURT: The jury will retire.

INSTRUCTION NO. 14

The Court instructs the jury that it is not necessary, in order to the conviction of the accused, to show that the accused with his own hand fired the shot that killed Albert Grim; but if the accused was present with another or others at the home of Milton Grim at the time of the homicide for the purpose of assassinating Milton Grim and his son Albert, or either of them, and Albert Grim was killed by the shot of one of those so present, then the accused is as much guilty of the murder of Albert Grim as if he had himself fired the fatal shot, for it is the law that when several persons join in a purpose to commit a crime, each of them if actually present is guilty of any crime committed by any of the others in pursuance of the common plan or as a natural or probable consequence of it.

Exhibit No. 13

The first instance the jury was presented in this
to the knowledge of the accused, to know that the things with the
name listed the next day killed Albert Einstein at the moment
with another or others in the house of Albert Einstein at the time of the
accident for the purpose of assassinating Albert Einstein and his two sisters.
or either of them, and Albert Einstein was killed by the shot of one of these
so-called "G" as the evidence is so much weight of the murder of Albert
Einstein as it is the fact that the fatal shot, for it is the law that when
several persons join in a purpose to commit a crime, each of them is actually
guilty of the crime committed by any of the others in pursuance
of the common design as a principal or a party to the crime.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Layton Morris

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock,
a. m., on the 15 day of Nov. 1924 to testify and the truth to say in
behalf of the defendant in the prosecution of the Commonwealth, Plaintiff, against

Bernard Lamm

Defendant

And this he shall not omit under the penalty of \$100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 13 day of

Nov., 1924 and in the 14th year of the Commonwealth.

, Clerk

Executed by delivering to Laytin Morris in Person with
a copy of the writto summon this the 13 day of Nov. 1922

W. L. Willard Sheriff Rockingham Co., Va.
Deputy for

Bernard Lamm

ads

Commonwealth

G. T. C.

J. O.

SHERIFF FEE \$

Nov. 15, 1922.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Dora Offenbacker
Arthur Lay, John F. Warriner
Lee Shufflett, Jake Moberly.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock,
a. m., on the 17th day of Nov. 1922 to testify and the truth to say in
behalf of the defendant in the prosecution of the Commonwealth, Plaintiff, against

Bernard Lamm

Defendant

And this she shall not omit under the penalty of \$100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 16th day of

Nov. 1922, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk

Bernard Lard

ads

Commeure alth

250

Nov. 17, 1922.

Specimen by double
to Barn G. Harbaker
another pair in
See sheet. In
in London with
the 1922

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting: *Page*

You are hereby commanded to summon

B. O. Stiff
W. H. Tenny

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the *15th* day of *Nov.* 19*22*, to testify and the truth to say in behalf of the Commonwealth against

Bernard Lamm

who stands charged with and indicted for a felony misdemeanor.

And this *he* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *11* day of *Nov.*, 19*22*, and in the *14th* year of the Commonwealth.

J. F. Blackburn, Clerk.

Exhibited By sending a true copy of the
within subpoena before, B. D. Smith
and W. H. Terry this 13 day of May 1922
E. L. Lucas Sheriff Page Co.

Commonwealth

In the Name of the Commonwealth of Massachusetts
Bernard L. and

M. V. 10, 1922

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon H. T. Frey, Joe Newring,
"Dance" Morris, Helen Buedden, W. E. Lucas, W. L.
Dillard, Luther Builes, Milton Hummon, Annie
Hummon, Anna Hummon, Edith Hummon,
Elmer Buedden, Dr. Shauklett, Dr. H. V. Wood, Jr.,
Daniel Williams, Bennette Moultray

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at 10 o'clock, a. m., on the 15th day of July, 1922
to testify and the truth to say in behalf of Commonwealth before the Grand Jury
against

Bernard L. Lamm
who stands indicted for a felony

And this he shall not omit under the penalty of £100. And have then
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
11 day of July, 1922 and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed as to Dr V S Wood
with a copy of a summons
this the 14 day of Nov 1922
W L Dillard S.R.P.

Commonwealth
vs
Bernard Lamb

16 wit

SHERIFF FEE 8 00

Nov. 15, 1922.

Executed by delivering to H.T.P. by Joe Herring Darr
Morris Luther Briles Melton Grimm Annie Grimm Edith
Grimm Elmer Breeden Dr. Shacklett ~~Re H.P.~~ Jr.
Daniel Williams Bernette Williams 1 person with ad
copy of the within summons this the 13 day of Nov. 23
1922
W L Dillard
Deputy for
W. L. Dillard Sheriff Rockingham Co., Va.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon,

Jilden Price

^{*to appear*} before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a.m., on the *21st* day of *Nov.* 19*22*

to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~
against Bernard Lane.

And this *he* shall not omit under the penalty of \$100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *20* day of *Nov.*, 19*22*, and in the 147th year of the Commonwealth.

J. F. Blackburn, Clerk.

Come

05 -

Bernard Lane

Sherriff Rockingham
County

Wanted By following
to the Lan Prison
Person within month
this 20 day of Nov 1922
At the cost of \$8 for W & Ball
M

SHERIFF FEE \$

50

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Francis Breceder
Dorina Henning

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at ~~Harrisonburg~~ ^{fourteenth}, on the 21 day of Nov. 1922
to testify and the truth to say in behalf of Commonwealth before the Grand Jury

Bernard Land

And this ~~they~~ shall not omit under the penalty of £100. And have then
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
21 day of Nov., 1922, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

Commonwealth

vs.

Bernard Lam

Reeking Man Party

Electoral By Polling to
Primoat Prelector in Mar-Hony
within same was this 21 day
of Nov 1922 W Edwards
for W. J. Bull and others

SHERIFF FEE 100

Nov. 21, 1922.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Era Builes.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a.m., on the 20th day of July, 1912, to testify and the truth to say in behalf of Commonwealth ~~before the Grand Jury~~ against

Bernard Lamm
who stands indicted for a felony.

And this he shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 18th day of July, 1912, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

Commonwealth
Bernard Larr.

Executed by Simeon Ovi —
Beardslie the 20 day of Nov
1922 W.D. Ovi S.O.

Eldy Poion

Shiff Fee 50

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

L. H. Bruce, Adam Knudsen

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at ^{Lynchburg} ~~10 o'clock, a.m.~~, on the 16 day of Nov. 1922
to testify and the truth to say in behalf of the Commonwealth before the Grand Jury
against

Bernard Land

And this he shall not omit under the penalty of £100. And have then
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
16 day of Nov., 1922, and in the 147 year of the Commonwealth.

J. F. Blackburn, Clerk.

Entered by delivery to
and in Fairview in
Perish within in sums
the 16 days of Nov 22

Commonwealth
to
Bennard Lam

Belmont
W. J. de la
W. J. de la

Shiff 100

Nov. 14, 1922.

Entered By Delivery
to G. H. Bruce in Perish
within sum in this
Nov 22 1922
Belmont

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

J. Kelly, Andrew Henning, Alex
Williams, Jas. Williams, Oscar
Williams, "Boss" Maulberry,
T. C. Furber, J. P. Dejeu
C. R. Fawley.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at 10 o'clock, a.m., on the 15 day of Nov. 1922

to testify and the truth to say in behalf of Commonwealth before the Grand Jury
against

Bernard Land
who stands indicted for a felony.

And this he shall not omit under the penalty of £100. And have then
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
11 day of Nov., 1922, and in the 147 year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed as Dr J H Doyle. V
J C Funchingh. Each in Power
with a Copy of a Summon
dhr 2hr 14/ddy 7 Nov 1922
Executed by Submity to Cr 7mty W2 Dillard St
Copy of a Summon

Commonwealth
vs
Benedict Lamm

9 mit

RECEIVED FEB 1 4.00

Nov. 15, 1922

W.L. Dillard Sheriff, Cockingham Co., Va.

W. B. K. Deputy Sheriff

Executed by delivering to, Kelly Andrew Herring
Alex Williams Joe, Williams Oscar Williams Boss
Moubray ~~Williams Oscar Williams Boss~~ in person with
a copy of the within summon this the 13 day of
Nov. 1922

10
22

Executed by the Sheriff

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Milton Quinn, H. T. Frey, Joe Herring,
Helen Ruedery, Mrs. Anne Hurn,
Luther Brainerd, Darius Myoria
W. C. Lucas

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at 10 o'clock, a. m., on the 16 day of Oct. 1922
to testify and the truth to say in behalf of Commonwealth before the Grand Jury

Bernard Lamb

And this they shall not omit under the penalty of £100. And have then
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
10 day of Oct. 1922 and in the 147 year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed by delivering to Milton @rham H.T.Frey Joe.
erring Hellen Breeden Mrs. Annie Grim Luther Broils
Daure Morris W.E.Lucas in person with a copy of the wd
within summon this the 11 day of Oct. 1933

W. Lucas

Deputy for

W.L.Dillard Sheriff Rockingham Co., Va.

Commonwealth

Burnand Lane

Grand Jury

400
SHERIFF FINE

TO THE SHERIFF OF ROCKINGHAM COUNTY, VIRGINIA.

The following list of persons of the County of Rockingham, residing remote from the place where the offense is charged to have been committed, and in other respects qualified to serve as Jurors, is furnished you, from which you shall take the 10 Ventiremen summoned by you to serve as Jurors upon the trial of Bernard Lam, charged with felony, set for the 16th day of Nov., 19 22, of the Circuit Court of Rockingham County.

Perry E. Shank

P. ✓

E. H. Rolston

A. ✓

E. R. Brunk

C. ✓

M. A. Allebaugh

H. ✓

J. F. Revercomb

A. ✓

I. D. Myers

A. ✓

C. W. Dove

L. ✓

J. E. Maury

P.

S. H. Lewis

S. ✓

Galen D. Flory

P. ✓

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon 8 persons of the county of Rockingham, to be taken from a list furnished by the ^{Clerk} Judge of the Circuit Court of Rockingham County residing remote from the place where the offense is charged to have been committed, and qualified in all other respects, to serve as Jurors, to attend and appear before the Circuit Court of Rockingham County, at the County Court House, on the 16th day of Nov. 1922, to serve as Jurors upon the trial of Bernard Lane charged with felony.

And this they shall in no wise omit, under the penalty of £100. And have then and there the names of said persons and this writ.

Witness, J. F. Blackburn, Clerk of our said Court, at the Court House, the 15 day of Nov., 1922 and in the 147 year of the Commonwealth.

J. F. Blackburn Clerk.

Executed by Summoning all
of the within named Persons down
to serve as Jurors in Case of Case - 95
Barred Lane. to Comptrol the -
Parrell this the 15th day of Nov
1922 W. D. Lloyd S. K. C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Mr. Bernard Lamm, Wm. Offerbacher,*
Mr. Wm. Offerbacher, Fred Offerbacher, Harold Offerbacher,
Malcolm Offerbacher, Willie Offerbacher, Minnie Wampler,
Mr. Lottie Corley, Tain Morris, Bernard Mowbray,
Jake Mowbray, Bob Corley, Maurin Long, Will Morris,
Welfrey Morris, Anna Shiver, Daniel Williams

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock,
a. m., on the *15th* day of *Nov.* 19*22* to testify and the truth to say in
behalf of the defendant in the prosecution of the Commonwealth, Plaintiff, against

Bernard Lamm

Defendant

And this *he* shall not omit under the penalty of \$100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *13th* day of

Nov. 19*22*, and in the 47 year of the Commonwealth.

J. F. Blackburn, Clerk

Bernard Larr

ads

Commonwealth

C. A. A.

18 wit Jan.

SHERIFF FEE

9.00

Nov. 15, 1922.

W. D. Dillard Sheriff Rockingham Co., Va.

W. B. Dillard Deputy for

Executed by deputy
Bernard Larr Wm. Offer
Malcolm Offenbacher Willie Offenbacher
Mrs Lottie Conley Tim Morris Bernard Moubrey take
Moubrey Bob Conley Marvin Long Will Morris Welfery
Morris Anna Grimm Daniel Williams in person with
a copy of the within summon this the 13 day of No
Nov. 1922

The Commonwealth of Virginia.

To the ^{Sheriff} Constable of ^{Rockingham} County District--Greeting:

You are hereby commanded to summon
Mrs Dora Oppenbacher

to appear before J. H. Keeter, a Justice of said ^{County} District, all
at the Court House on the 25th day of
Sept 1922 at 9 o'clock A. M. -
190....., to testify and the truth to say on behalf of
The Commonwealth

in a certain matter of controversy in said Court depending and undetermined, between
The Commonwealth VS. Bernard
Lam and Mrs Oppenbacher

And this she shall in no wise omit, under the penalty of £100. And have
then and there this Writ.

Witness J. H. Keeter, Justice of the Peace, the 23rd
day of Sept, 1922, and in the 147th year of the Commonwealth.

J. H. Keeter J. P.

It would be better to
have a better back in
with a better this 25th
of September 1722
L. S. for W. J. Wilson
P. K. has been in

1000
000

1000
1000

1000
1000

The Commonwealth of Virginia.

To the Constable of

Sherriff Rockingham County
District--Greeting:

You are hereby commanded to summon

Mrs Dora Oppenbacher.

to appear before

J. H. Keiter a Justice of said *County* District, at
The Court House on the *25th* day of
Sept 1922 at *9 o'clock A.M.*
190 to testify and the truth to say on behalf of
The Commonwealth.

in a certain matter of controversy in said Court depending and undetermined, between
The Commonwealth and Bernard
Lam and Mrs Oppenbacher

And this *she* shall in no wise omit, under the penalty of £100. And have
then and there this Writ.

Witness *J. H. Keiter*, Justice of the Peace, the *23rd*
day of *Sept*, 1922, and in the *19th* year of the Commonwealth.

J. H. Keiter J. P.

1 day - 32
mi.

Arrest Warrant

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

To W. L. Bellamy Sheriff, Constable of said County:

Whereas, On Cornes Inquest of the said County, has this day made complaint and information on oath before me, L. H. Bruce a Justice of the said County,

that Wm Offenduckes of Bernard Lane

of the said County, on the 26 day of Aug 1922 in the said County, did

unlawfully and feloniously with force through
kill and murder one Albert Lewis
with a fire arm

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

Wm Offenduckes of Bernard Lane

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

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

Given under my hand and seal this 27 day of Aug, in the year 1922

L. H. Bruce J. P. (Seal)

William Offenbacher & Bernard Lam before J. W. Tucker.
 & P. F. J. Ang, Attorney for J. R. H. Bridges. J. P. for a
 Call. J. J. is charged in the within warrant
 this the 22. day of Sept 1922, W. D. Lillard S.R.C.

coming on with Virginia
 Wm Offenbacher and Bernard Lam. Charged with a felony
 A hearing in the within case was begun before us on Sept
 22nd and I concluded my Sept 23rd 1922 in the said County
 and the charge against Wm Offenbacher dismissed, and
 Bernard Lam held for the return of the grand jury.
 R. H. Bridges, J. P. J. W. Tucker & P. F. J. Ang, Attorney for J. P.

Commonwealth

vs. Arrest Warrant

W Offenbacher
 & Bernard Lam

Executed the within warrant by arresting
 and delivering the body of

W Offenbacher &
 Bernard Lam
 before L. N. Bance

a Justice of Rockingham County, and by sum-
 moning the within named witnesses in person,

this 27 day of August 1922

W. D. Lillard S.R.C.

Constable of Rockingham County.

Arrest 9.00
 Mileage 24.19
 same each prisoner 24.00
 Total costs - 28.44
 For Sheriff.

Wm Offenbacher
 and Bernard Lam
 brought before me
 L. N. Bance a Justice
 in and for the Co
 of Rockingham and
 I committed them and
 Wm Offenbacher & Bernard
 Lam to the County
 Jail for further
 hearing and to be
 dealt with by Law
 L. N. Bance J.P.
 Aug 27 1922

Justice Costs 2.00

At Harrisonburg, Sept 22nd 23rd and 25th 1922.
 Virginia, Rockingham County, to-wit:

Form 112—News-Record

Commonwealth vs. Bernard Lane and
Mrs. Offerbacher.
 charged with a Felony.

STATEMENT OF COSTS

JUSTICE OF THE PEACE.....	Arrest Warrant	\$ 1.00
2 additional justices →	Search Warrant	\$
	Trial	\$ 2.00
	Bail	\$ 2.00
	Arrest	\$ 3.00
	Search Warrant	\$
CONSTABLES, SHERIFF, SERGEANT.....	Sum. Witnesses	\$ 4.00
	Mileage <u>self and prisoners</u>	\$ 5.76
	<u>Jail fees - at 75 P. Day</u> <u>from Aug 27 to Sept 27 '22</u>	\$ 2.40
	<u>Jail fees 24 Days - 9 Cents per Day</u>	\$ 2.16
	<u>Other Fees 0.37 11.4</u>	\$ 2.40
ATTORNEY FOR THE COMMONWEALTH	J. P. Court	\$
		\$ 5.00
	Report of Fines, etc.	\$
CLERK OF THE COURT.....	Witness Certificates	\$ 2.40
	Trial	\$
	Other Costs	\$

Witnesses—Names	Days	Miles	Tolls	Amount
Milton Grinn	3	32	\$ —	\$
H. J. Frey	3	26	\$ —	\$
Joe Hoehring	3	32	\$ —	\$
Mrs. Annie Skinn	3	32	\$ —	\$
" Helen Breeden	3	32	\$ —	\$

I hereby certify that the following additional witnesses were examined for the Commonwealth and were material witnesses:

Witnesses—Names	Days	Miles	Tolls	Amount
Luther Proiles	3	32	\$	\$
Dause Morris	3	32	\$	\$
H. E. Lucas	1	26	\$	\$
			\$	\$
			\$	\$

I hereby certify that the foregoing is a correct statement of costs.

J. H. Keiter, J. P.

At Rockingham, Virginia, Rockingham County, to-wit: *Sept 18th 1884*

Commonwealth vs. *Mrs. Offenberg*
General issue and
change with delivery

STATEMENT OF COSTS

1.00	.....	ALIAS WITNESSES	} JUSTICE OF THE PEACE
1.00	.....	ALIAS WITNESSES	
1.00	.....	Trial	} Additional Justice
200	.....	Ball	
3.00	.....	ALIAS	} ATTORNEY FOR THE COMMONWEALTH
3.00	.....	ALIAS WITNESSES	
11.00	.....	THE SHERIFF	} COMMISSARY SHERIFF'S DEPARTMENT
5.75	.....	ALIAS	
2.00	.....	A. P. COST	} ATTORNEY FOR THE COMMONWEALTH
2.00	.....	REPORT OF JURY FOR	
1.75	.....	WITNESSES	} CLERK OF THE COURT
1.75	.....	Trial	
	.....	Other Costs	

Witness - Name	Days	Miles	Total	Amount
<i>William Brown</i>	3	10	30	2
<i>J. J. Brown</i>	3	10	30	2
<i>for laboring</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2

I hereby certify that the following additional witnesses were examined for the Commonwealth and were material witnesses:

Witness - Name	Days	Miles	Total	Amount
<i>John Brown</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2
<i>John Brown</i>	3	10	30	2

I hereby certify that the foregoing is a correct statement of costs.
J. N. Carter, P.

October Term
1922

BERNARD LAM

ADS Indictment for a Felony

COMMONWEALTH

Arrest & Mileage \$ 5.76
with Ret. Call Zide 4.00
Grand Jury 4.00 861.75
Jan 7 to Feb 27 - 6 months - 1922 - 1923
Zide of Court
with For Defence
January 20 - "

R. J. Swape	6
Rev S. Ritchie	6
Mag. Hoover	17
C. G. Rhodes	2
D. H. Rolston	2
S. A. Selme	7
E. H. Rolston	3
J. M. Lohr	10
C. C. Trumbo	
O. B. Garter	9
J. F. Showalter	5
S. H. Lewis	12



20-4440

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 said County of Rockingham, and now attending said Court at its October term, 1922, upon their oaths, do present that Bernard Lam, on the 26th day of August, 1922, with force and arms, in the County aforesaid, in and upon the body of one Albert Grimm, in the peace of said Commonwealth then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said Bernard Lam, a certain firearm, of the value of \$ _____, then and there charged with gunpowder and one leaden bullet, which said firearm, he, the said Bernard Lam, in his hand then and there had and held, then and there feloniously, wilfully, and of his malice aforethought, did discharge and shoot off, to, against and upon the said Albert Grimm; and that the said Bernard Lam, with the leaden bullet aforesaid, out of the firearm by the said Bernard Lam discharged and shot off, as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate and wound the said Albert Grimm in and upon the back about an inch and a half from the midline of the back, on the left side, about one and one-half inches below the scapula, or shoulder blade, passing through the upper part of the heart, and lodging near the edge of the sternum between the third and fourth ribs; giving to him, the said Albert Grimm, then and there with the leaden bullet aforesaid, so as aforesaid discharged and shot out of the firearm aforesaid, by the said Bernard Lam, in and upon the back about an inch and a half from the midline of the back, on the left side, about one and one-half inches below the

scapula, or shoulder blade, passing through the upper part of the heart, and lodging near the edge of the sternum between the third and fourth ribs. of him, the said Albert Grimm, one mortal wound; of which said mortal wound, he, the said Albert Grimm, shortly thereafter and on the same day died. And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said Bernard Lam, him, the said Albert Grimm, in the manner and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. L. Dillard, Milton Grimm, H. T. Frey, Joe Herring, Mrs. Annie Grimm, Luther Broiles, Helen Breeden, Dause Morris, and W. E. Lucas, witnesses sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused not
guilty

L. L. Rhodes Foreman

Printed at

COMMONWEALTH

v.

HERNOLD LAM

A FELONY

A FUGITIVE

D. L. Rhodes
FORWARD

D. W. Latham,
Commonwealth's Attorney.