122½ Gals milk
Dec 1927

$\frac{\sqrt{2}}{2}$

$\frac{\sqrt{2}}{2}$

$\frac{\sqrt{3}}{2}$

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 17th day of November, 1927, Thomas E. Piper, Jr. T. D. Doffleman Thomas E. Piper, Sr. H. J. Sullivan, Ethel Sullivan, David D. Rite all of near Grottoes, Va. came before me, Harry M. Strickler, Bail Commissioner, for 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 Thomas E. Piper, Jr. principal in the sum of Eight Thousand dollars, and the said T. D. Doffleman in the sum of One Thousand dollars, and the said Thomas E. Piper, Sr. ~~in the sum of Four thousand dollars, and H. J. Sullivan in the sum of Four hundred dollars~~ 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, to the use of the Commonwealth of Virginia, if the said Thomas E. Piper shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Thomas E. Piper do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, then and there to answer the Commonwealth for and concerning a certain felony by him committed wherewith he stands charged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or Judge hereafter having or holding any proceedings in connection with the said charge, and not depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

Said Doffleman and Thomas E. Piper, Sr. and H. J. Sullivan in the sum of Four hundred dollars, and the said David D. Rite in the sum of Four hundred dollars, severally.

Thomas L. Pepper, Jr.
Bail
$8,000

COMMONWEALTH

v Charge to the Jury

THOMAS L. PIFER, Jr.

If you find the accused, Thomas L. Pifer, Jr., not guilty, you will say so and no more.

If you find him guilty as charged in the indictment, then you will say so and fix his punishment with death or by confinement in the penitentiary for life, or for any term not less than ~~thirty~~ Fifty years.

If you do not find him guilty of rape as charged in the indictment, but find him guilty of attempted rape as charged therein, then you will say so and fix his punishment with death, or by confinement in the penitentiary for a term of not less than three years, nor more than eighteen years.

If you do not find him guilty of either of the aforesaid felonies as charged in the indictment, but find him guilty of assault and battery as therein charged, then you will say so and fix his punishment by confinement in jail for a period not exceeding twelve months or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

Com

v

Thomas L. Pifer, Jr.

Charge to the Jury

C

Given

1

The Court instructs the jury that rape is having sexual intercourse with a woman against her will by force.

INSTRUCTION No. 2

The court instructs the jury that in determining whether or not the act of carnal intercourse, as involved in this case, was accomplished by force and against the will of the prosecutrix, it is their duty to take into consideration the conduct and deportment of the prosecutrix, Virginia Myers, closely before and closely following the alleged act, the time and all the circumstances of her complaint of the alleged assault, the presence or absence of bruises or other marks of violence upon her person, if any, whether or not her clothing was torn, the resistance, if any, made by the prosecutrix, the time and place, the relative strength and endurance of the prosecutrix and the defendant, the whole situation as it confronted both the prosecutrix and the defendant, and all the circumstances disclosed by the evidence in the case.

Given

INSTRUCTION No. 5.

The court instructs the jury that they may convict the defendant, Thomas L. Pifer, Jr., on the evidence of the prosecuting witness, Virginia Myers, alone, although such evidence may be uncorroborated in whole, or may be corroborated only in part, if, from such evidence, , and all the facts and circumstances disclosed in the evidence in the case, they believe the defendant is guilty beyond all reasonable doubt, although the defendant has testified in direct contradiction to the testimony of the prosecutrix, Virginia Myers.

INSTRUCTION No. 7

The court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, or as to any fact or circumstance necessary to constitute the elements of the offense, the law makes it their duty to acquit him, and that 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.

A

The court instructs the jury that on a charge of rape which is a grave offence and the penalty for which may be the severest, it is the duty of the jury to scan the evidence with utmost care and caution

Given

The court instructs the jury that on a charge of rape which is a grave offence and the penalty for which may be the severest, it is the duty of the jury to scan the evidence with utmost care and caution

2

The Court instructs the jury that if they believe from the evidence that Virginia Myers failed to make any outcry at the time or immediately following the alleged rape upon her, then that fact may be taken as evidence tending to disprove the truth of the charge.

~~Brodnax vs Commonwealth, 185 Va. 733.~~

Given

d

The court instructs the jury that if they believe from the evidence that the prosecutrix in this case consented directly or indirectly to the act of intercourse, they will find the accused not guilty. [redacted].

Given

C

The court instructs the jury that to warrant a conviction of the accused it is not enough that the evidence is consistent with his guilt. To warrant conviction the evidence must be inconsistent with his innocence. The guilt of the accused is not to be inferred merely because the facts in the case are consistent with the guilt of the accused. [redacted].

Given

G

INSTRUCTION No. ____

The Court instructs the jury that the credibility of the witnesses is a question exclusively for the jury; and the law is that, where witnesses testify in conflict or contradiction of each other, the jury is not bound to regard the evidence as equally balanced, but it is the duty of the jurors to judge the evidence for themselves and to give such weight to the testimony of the different witnesses as under all the circumstances they think them entitled to.

Given

The court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, as to any fact or circumstance necessary to constitute the offence, the law makes it their duty to acquit him, and that mere suspicion or probability of his guilt, however strong is not sufficient to convict, nor is it sufficient if the greater weight of preponderance of evidence supports the charge in the indictment, but to warrant his conviction his guilt must be proved so clearly that there is no reasonable theory, consistent with the evidence, upon which he can be innocent. Brown's Case, 97, Va. 792.

Given

B

The court instructs the jury that the charge of rape is one easily made but from its nature is difficult to defend and the jury has the right to give consideration to these facts in reaching a conclusion in this case.

Bailey's case 82 Va. 107

Refused

The court instructs the jury that the charge of rape is one easily made but from its nature is difficult to defend and the jury has the right to give consideration to these facts in reaching a conclusion in this case.

2 Given

The Court instructs the jury that in determining whether or not the act of carnal intercourse, as involved in this case, was accomplished by force and against the will of the prosecutrix ~~or otherwise~~, it is their duty to take into consideration ~~as shown by the evidence in the case,~~ the conduct and deportment of the prosecutrix, Virginia Myers, closely before and closely ~~closely~~ following the alleged act, the time and all the circumstances of her complaint of the alleged assault, the presence or absence of bruises or other marks of violence upon her person, if any whether or not her ~~under~~ clothing ~~or other clothing~~ was torn, the resistence, if any made by the prosecutrix, the time and place, the relative strength and endurance of the prosecutrix and the defendant, the whole situation as it confronted both the prosecutrix and defendant, and all the circumstances disclosed by the evidence in the case.

Sol Allen

3

Refused

The Court instructs the jury that if they believe from the evidence beyond reasonable doubt that Thomas L. Pifer, Jr. had sexual intercourse with Virginia Myers against her Will by force, or, if they believe from the evidence that Thomas L. Pifer, Jr. entered the private parts of Virginia Myers with his private parts against the will of Virginia Myers by force, then the jury must find the accused, Thomas L. Pifer, Jr. guilty of rape as charged in the indictment.

INSTRUCTION NO. 4.

The Court instructs the jury that in case of rape, it is not essential that the prosecutrix should be corroborated by the testimony of other witnesses as to the particular acts constituting the offense, and if the jury believe from the evidence of the prosecutrix, and corroborating circumstances and facts testified to by other witnesses that the defendant did have carnal knowledge of the prosecutrix, Virginia Myers, by force and against her will as charged, the law does not require that the prosecutrix should be corroborated by other witnesses as to what transpired at the time and place when it was alleged the assault was made.

Refused as written

Given ~~other~~ See p. 5715 – 5721

5

Given

The Court instructs the jury that they may convict the defendant, Thomas L. Pifer, Jr., on the evidence of the prosecuting witness, Virginia Myers, alone, although such evidence may be uncorroborated in whole, or may be corroborated only in part ~~if the jury believe the defendant guilty beyond all reasonable doubt from such evidence; and the Jury are further instructed that they may convict the defendant upon the evidence of the prosecuting witness, Virginia Myers, if they believe from such evidence and the corroborated~~ and all the facts and circumstances in the case ~~if such facts and circumstances appear that~~ they believe the defendant is guilty beyond all reasonable doubt, although the defendant has testified in direct contradiction to the testimony of the prosecutrix, Virginia Myers.

Given as modified
by Clifton

R. L. GARDNER, Judge
K. B. AMOLE, Judge Juvenile Court
A. M. RUCKER, Clerk of Courts
W. T. GRAYBEAL, City Attorney
W. W. HALL, Commissioner of Revenue

J. F. STRATTON
CITY SERGEANT
CLERK CITY COUNCIL

W. N. KEY, Mayor
J. E. HAMMERS, Treasurer
V. T. STRICKLER, Pres. City Council
L. Z. JOHNSTON, City Engineer
J. M. BEARD, Chief of Police

BUENA VISTA, VA. JAN - 9 1928 192

Mr J Robert Switzer Clerk
Dear Sir

Those summons were received by me late in the day Saturday & immediately got in touch with Mr Durham by phone, (the only way I could reach him) and also Rev J H Haley hope they will be on hand,
~~with best wishes for a successful Administration~~

I remain

Yours very truly
J Frank Stratton Sergt

am entering my 29th year in the office of Sergeant

Commonwealth of Virginia:

Lackbridge

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Virginia Myers

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 19th *day of* Dec. *19*27 *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY*

vs. Thomas L. Piper

who stands charged with and indicted for a felony misdemeanor.

And this the *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* Dec. *19*27, *and in the* 152d *year of the Commonwealth.*

J. F. Blackburn, *Clerk*

P&L PRESS, Harrisonburg, Va.

Virginia Myers

Commonwealth of Virginia:

Rockbridge

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon

Virginia Myers

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 19th *day of* Dec. 1927 *to testify and the truth to say, in behalf of the Commonwealth, before the GRAND JURY*

vs. Thomas L. Piper

who stands charged with and indicted for a felony misdemeanor.

And this sh *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* Dec. 1927, *and in the* 152d *year of the Commonwealth.*

J. F. Blackburn, *Clerk*

POL. PRESS, Harrisonburg, Va.

Com.

vs.

Thomas L. Piper

Rockbridge

1927

Dec 19

This writ returned unexecuted as the within named Virginia Meyers could not be found in my County

G. Bruce Newman S. R. C.

R. BRUCE MORRISON
SHERIFF

SHERIFF'S OFFICE

ROCKBRIDGE COUNTY
LEXINGTON, VIRGINIA

Dec. 17 1927

Mr. J. P. Blackburn
Clerk Rockinham Court
Harrisonburg, Va.

Dear Sir

I am returning the within writ unexecuted as I am unable to find this person in my county. There was no address given so I Inquired among all the Myers that I knew and had my deputies do the same but we can not locate her. I t is entirely possible that she may be in the County but is not known to any of us and without information as to a definite place to look for I am forced to return this writ unexecutd.

Respt. Yours.

R Bruce Morrison
Sheriff Rockbridge County

The Commonwealth of Virginia,

To the Sheriff of Rockingham County—Greeting:

Whereas

Universal Glass Product Company

Plaintiff

did on the 5th *day of* December, *19*27, *sue out of the Clerk's Office of the Circuit Court of Rockingham County a writ of Fiere Facias against* D. A. Taylor, doing business as The Lacey Spring Dairy

Defendant

for the sum of $ 32.71 *with interest thereon*

to be computed after the rate of six per centum per annum, from the 1st *day of* November, *19*27, *and $* 2.50 *costs, and it being suggested that by reason of the lien of said writ of Fieri Facias there is a liability on persons other than the judgement debtor, and that*

J. M. Kavanaugh

is *indebted to the said judgement debtor, or hath money, bank notes, securities, evidences of debt, or other personal estate in possession or under* his *control, belonging to the said judgement debtor* , D. A. Taylor, doing business as The Lacey Spring Dairy

You are therefore commanded to summon the said ~~J.M.Kavanaugh~~ D. A. Taylor, doing business as The Lacey Spring Dairy, and J. M. Kavanaugh,

to appear before the Judge of the Circuit Court of our said County, at the Court House, on the first day of next Term, to answer the said suggestion. And have then and there this writ. Witness, J. F. Blackburn *Clerk of our said Court, at the Court House, this* 5th *day of* December *19*27, *and in the* 152d *year of the Commonwealth.*

J. F. Blackburn *Clerk.*

J. M. Kavanaugh

Commonwealth of Virginia:

Page

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon

Dr. B. C. Shuler & Tom Austin

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 19th *day of* Dec. 1927 *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY*

vs. Thomas L. Piper

who stands charged with and indicted for a felony misdemeanor.

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 13th *day of* Dec. 1927, *and in the* 152 *th year of the Commonwealth.*

J. F. Blackburn, *Clerk*

P&L PRESS Harrisonburg, Va.

Com.

vs.

Thomas L. Pifer

Original.

Page

Executed by delivering a true copy of the within summon in person upon Dr B.C.Shuler and Tom.Austin,
This 16th day of Dec.,1927,
By L. T. Burke C.P.C.
For E.L.Lucas,Shff Page County.

Shff's fee $1.00
1927
Dec 19

C. A. Lipe
Edward Rustock
Allen S. Harvey
R. C. Hamilton
C. H. Clubough
Jno. Shoemaker
E. L. Layman
A. E. Sutter
~~Lindsey M. Armstrong~~
J. M. Fry
~~J. P. Kelly~~
~~J. H. Bruce~~
J. Frank Fulk
~~H. E. Brown~~
Joseph Barber
~~Geo. Smith~~
~~Burt H. Lane~~
~~W. H. Brown~~
J. W. Fulk
~~Geo. H. Hurst~~

In the Name of the Commonwealth of Virginia:

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

You are hereby commanded to summon

H. T. Carnick, Miss Carrie Heath
Mrs. John Painter, Ed. M. Meredith,
Clyde Hisey, Harry Dean & John Griffith

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 12th *day of* Jan *19*28, *to testify and the truth to say in* ***behalf of the Defendant*** *in the prosecution of the Commonwealth, plaintiff, against*

Thos. L. Pifer, Jr.

who stands charged with and indicted for a felony ~~*misdemeanor*~~.

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

Witness, ~~*J. F. BLACKBURN*~~ J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 6th *day of* Jan. *19*28, *and in the* ~~*150th*~~ 152d *year of the Commonwealth.*

J. Robert Switzer, *Clerk.*

News-Record, Harrisonburg, Va.

Thos L. Piper, Jr.

ads { Original

Com'l.

N. T. Copick

Edmund Ito

Connie Hatch

Clyde Henry

John Griffith

Wm Jno Pauder

Henry Dean

B. Dadisman

1928

Jan. 12

Miss Virginia Myers (born Weil)
C. W. Weil.
Mrs Weil.
Miss Weil.
Mr. Eugene Weil
Mrs. Lam. & Son.
Tomasio Austin
Wm Stanton.
Oscar Baumgardner
John Griffith
Dr Shulor

Arrest Warrant

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

To G. U. Lawson Deputy Sheriff, a ~~Constable~~ of said County:

Wheras, D. W. Eastman of the said County, has this day made complaint and information on oath before me, C. H. Bruce a Justice of the said County, that Thos. Lawrence Pifer JR

of the said County, on the 10 day of Nov, 1927, in the said County, did Violently and against her Will, by force, Feloniously did attempt Ravish and Carnally know her the Virginia Myers she the said Virginia Myers then being fourteen years old and more to wit of the age of thirteen years.

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 Thos. Lawrence Pifer JR

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 14 day of Nov, in the year 1927.

C. H. Bruce J. P. [Seal]

Commonwealth

vs.

Lawrence Piper

Judgment

That the Defendant found guilty and fined and costs as follows:

Fine - - - - .....

Clerk's Fee - - - .....

Justice's Fee - - - .....

Arrest - - - - .....

Summoning Witness - .....

Witnesses Attendence and Mileage .....

Total - - - - .....

Justice of the Peace.

Commonwealth

vs. | Arrest Warrant

Lawrence Piper

Executed the within warrant by arresting and delivering the body of

Thomas Lawrence Piper Jr

before L. H. Boner

a justice of Rockingham County, and by summoning the within named witnesses in person

this 14 day of Nov 1927

G. A. Lawson

Constable of Rockingham County

D. S.

Chas. Lawrence Piper Jr. brought before me Lawrence Piper Jr. Rockingham Co. Commit the defendant to the Rockingham Co. County Jail to be held for the Grand Jury under bond in the sum of $1000 this 14 Nov 1927

L. H. Boner

J. P. Rockingham Co.

Certificate of Commitment for Trial.--News-Register.

VIRGINIA--County of Rockingham, To-wit:

To the Clerk of the Circuit Court of said County:

I, L H Bruce & R H Bridges a Justice of the Peace of said county, do hereby certify that I have this day committed Thos Lawrence Pifer to the jail of said county, that he may be tried before the circuit court of said county, for a felony by him committed, in this, that he, on the 10th day of Nov., 1907, in the said county

Given under ~~my~~ our hand and seal this 15 day of Nov 1907

L H Bruce, J. P. [L. S.]

R H Bridges J.P.

In the Name of the Commonwealth of Virginia: Rockbridge

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon

R. L. Durham, Buena Vista, Va.
Rev. J. H. Haley, Buena Vista, Va.

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 9th *day of* January 1928 *to testify and the truth to say in* **behalf of the Commonwealth** *against*

Thomas L. Piper, Jr.

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, J. ROBERT SWITZER, ~~J. F. BLACKBURN,~~ *Clerk of our said Court, at the Court House, the* 3d *day of* Jan. 1928, *and in the* 152d *year of the Commonwealth.*

J. Robert Switzer, *Clerk.*

Com.

vs.

Thos. L. Pifer, Jr.

Rockbridge Co.

Executed on the City
of Buena Vista on the
8th day of Jany 1928
by summoning R. L. Dashner
& Rev. J. N. Kelley

J. Stratton Ft.
City Buena Vista
1928

Jan. 9

THE KAVANAUGH HOTEL
HARRISONBURG, VA.

J. M. KAVANAUGH
OWNER

15 bal. 1
35
75
7
45
5.25

We The Jury:
find the accused Thomas L. Pozier Jr.
Guilty of Assault and Battery &
fix his punishment at Twelve months
in Jail & a fine of Five hundred
dollars $500.00

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 said Court at its December term, 1927, upon their oaths do present that Thomas L. Pifer, Jr., on or about the 9th day of November, 1927, in the county aforesaid, with force and arms, in and upon one Virginia Myers, the said Virginia Myers then being over the age of sixteen years, to-wit, of the age of nineteen years, violently and feloniously did make an assault, and her, the said Virginia Myers, then and there to-wit, on the day and year aforesaid, in the county aforesaid, feloniously did ravish and carnally know, against her will and by force, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Virginia Myers, Dr. B. C. Shuler, Eugene Dovel, and Tom Austin, witnesses sworn in Court and sent before the grand jury to give evidence.

Rape

Commonwealth

v) Indictment

Thomas L. Pifer, Jr.

Felony

December term, 1927

A Ture Bill:

J. C. Bradford
Foreman

Arraigned & tried
for - 9 m

D. W. Barman
Commonwealth's Attorney

We the jury find the defendant Thos. L. Pifer Jr guilty of burglary as charged in the indictment and fix his punishment at five years in the penitentiary

Jos. S. Carter foreman

#451

Nov. Term 1927

COMMONWEALTH

VS. Felony (Rape)

THOMAS L. PIFER, Jr.

G. A. Life
Edward Rusbush
Allen S. Harvey
R. C. Hamilton
C. H. Crebaugh
Jno. W. Thasmoker
E. L. Layman
A. E. Suter
I. M. Fry
J. Frank Fuck
Joseph Carver
J. W. Fuck