

Arrest Warrant

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

To S. F. Newman, Deputy for C. R. Fawley, Sheriff, ~~Constable~~ of said County:

Whereas, Mrs. Maggie Via of the said County, has this day made complaint and information on oath before me, W. L. Dinsmore a Justice of the said County,

that Richard Bowers

of the said County, on the 29th day of February 1928, in the said County, did unlawfully and feloniously enter the meat house, and, the chicken house, respectively, of the said Mrs. Maggie Via at Grottoes, and, did take, steal, and carry away five pieces of bacon, (four hams and one shoulder) and three chickens of the approximate value of (\$37.05); the said theft being committed during the night time, against the peace and dignity of the Commonwealth of Virginia.

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

Richard Bowers

to answer the said complaint and to be further dealt with according to law. And you are required to summon G. R. Brown, Bud Powell, Mr. Moore, Sergeant, all of Shenandoah, Va.

S. F. Newman, Grottoes, Va.

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

Given under my hand and seal this 1st day of March, in the year 1928.

W. L. Dinsmore J. P. (Seal)

VIRGINIA, Rockingham County, to-wit:

To Mr. S. F. Newman, Deputy for C.R.Fawley, S. R. C. and Mr. C. R. Fawley, Sheriff and Jailer:

Mr. Newman will proceed with all haste to Shenandoah City, Virginia, and receive from the authorities of said town, one Richard Eowers, and transport the said Richard Eowers to the jail of Rockingham County, and Mr. Fawley, jailer, will accept the said Richard Eowers into said jail and confine him therein pending an investigation into the charges contained herein, or, unless he be otherwise discharged by due process of law.

Given under my hand this the 1st day of March, 1928.

W.L. Dinmore J. P.

COSTS.

V.L. Dinmore, J.P.	\$3.00
Commonwealth's Atty	5.00
S.F. Newman, D.S. Arrest	1.00
" " " Trans	5.60
E.W. Spicer, Holding Prisoner, Shenandoah, Va.	1.50
	\$16.10

Arrest Warrant

Richard Eowers

Executed the within warrant by arresting and delivering the body of

Richard Eowers

before V. L. Dinmore
a Justice of Rockingham County, and by recognizing the within named witness in person.

this 1st day of March 19 28

S.F. Newman
Deputy for C.R. Fawley, S.R.C.

Upon the examination of the within charge, I find the accused guilty and hereby send the case on to the next Grand Jury for a more thorough investigation into the matter. All costs in the case are here- by transmitted to the Circuit Court, which I find to be \$16.10 to date.

Given under my hand this the 12th day of March, 1928.

VIRGINIA, Rockingham County, to-wit:

The within warrant is hereby approved for service in Page Co/

A. J. Dickson
J.P.

Virginia, Rockingham County, to-wit:

Commonwealth vs.

Richard Bowers

STATEMENT OF COSTS

JUSTICE OF THE PEACE.....	Arrest Warrant	\$	1	00
	Search Warrant	\$		
	Trial	\$	2	00
	Bail	\$		
CONSTABLES, SHERIFF, SERGEANT..... S. F. Newman, Deputy for C. R. Fawley, S. R. C. E. W. Spicer, Custodian of prisoner at Shenandoah, Va.	Arrest	\$	1	00
	Search Warrant	\$		
	Sum. Witnesses	\$		
ATTORNEY FOR THE COMMONWEALTH	Mileage 7 1/2 Miles & BCts.....	\$	5	60
	Other Fees	\$	1	50
	J. P. Court	\$	5	00
	\$		
CLERK OF THE COURT.....	Report of Fees, etc.	\$		
	Witness Certificates	\$		
	Trial	\$		
	Other Costs	\$		

Witnesses—Names	Days	Miles	Tolls	Amount
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

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

Witnesses—Names	Days	Miles	Tolls	Amount
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

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

W. L. Dinmore J. P.

Commonwealth vs

Richard Powers

STATEMENT OF COSTS

.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00
.....	1	00
.....	2	00

CONSTABLES SHEETS, RICHMOND, VA.
 J. F. Newman, Deputy for C. K. Taylor, R. R. G.
 J. F. Spicer, Custodian of prisoners at Leesylvania, Va.

Richard Powers

Witnesses - James	Days	Miles	Tolls	Amount
.....
.....
.....
.....
.....

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

Witnesses - James	Days	Miles	Tolls	Amount
.....
.....
.....
.....
.....

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

J. F. Spicer

~~E. S. Lyford~~

~~F. B. Robinson~~

~~C. W. Henson~~

~~S. C. Miller~~

~~S. W. Lewis~~

~~A. C. Burdell~~

~~J. W. Rhoads~~

~~E. H. ...~~

~~E. S. Palmer~~

~~...~~

~~...~~

~~...~~

~~W. Phillips~~

~~S. G. Will~~

~~...~~

~~J. H. Ringgold~~

~~...~~

~~...~~

~~M. L. Latham~~

In the Circuit Court of Rockingham County,

Term 190

this day presented in Court an account against the Court
of Rockingham for the sum of \$, for Service

which being sworn to, was examined and approved by the Court, and ordered to be certified to the Treasurer of
this county for payment.

Clerk.

INSTRUCTION NO. _____

On the charge of murder, malice is presumed from the fact of killing. When the killing is proved and is unaccompanied with circumstances of palliation, the burden of disproving the malice is thrown upon the accused.

INSTRUCTION NO. _____

The jury are instructed that, to constitute murder in the first degree with reference to this case, there must be a premeditated, or previously formed design to kill, but it is not necessary that this premeditated design to kill should have existed for any particular length of time. It is only necessary that it should be a course determinately fixed on, before the act done, and not brought about by provocation at the time of the act, or so recently before, as not to give time for reflection; neither is it necessary to prove this formed design by positive evidence; like every other fact, it may be established by circumstantial evidence, which, beyond rational doubt, convinces the minds of the jury that this previous determination to kill did, in fact, exist.

If the jury believe from the evidence beyond a
reasonable doubt that the accused received from
John Burk the stolen horse knowing them to be
stolen and after words attempted to sell them
for himself or for John Burk then they must
find him guilty of ^{felony} larceny and
cannot find him guilty of ^{larceny} housebreaking
unless they further believe from the evidence
beyond a reasonable doubt that he, the accused
did actually break and enter in the night time,
^{the dwelling} or was present at the time of the breaking and
entering aiding, abetting and consenting
to the crime.

COMMONWEALTH v. RICHARD BOWERS;

The Court instruct the jury that even if there is suspicion or probability of the defendant's guilt, however strong, such suspicion or probability is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of evidence supports the charge against him; nor that upon the doctrine of chances it is more probable that he is guilty; but to warrant his conviction his guilt must be proved so conclusively and clearly that there is no reasonable theory based upon the evidence in the case upon which he can be innocent.

~~Case v. Bowers.~~

The Court instructs the jury that the accused is presumed to be innocent until his guilt is established by the evidence. He rests secure in that presumption of innocence until proof is adduced which establishes his guilt beyond a reasonable doubt.

~~Com. v. Bowers, 100 Mass. 301.~~

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

COMMONWEALTH

v)

CHARGE TO THE JURY

RICHARD BOWERS

If you find the accused, Richard Bowers, 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 at confinement in the penitentiary for not less than one nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and a fine not exceeding five hundred dollars.

If you do not find him guilty of house-breaking as charged in the indictment, but find him guilty of petit larceny as therein charged, then you will say so and fix his punishment at confinement in jail for not less than ten days nor more than twelve months, or a fine of not less than five dollars nor more than one hundred dollars, or both such fine and imprisonment.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

COMMONWEALTH

CHARGE TO THE JURY

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STATE OF CALIFORNIA

Commonwealth

v

Richard Bowers

Charge to the jury

If you find the defendant, Richard Bowers, not guilty, you will say so on the verdict.

If you find him guilty as charged in the indictment, then you will say so on the verdict and fix his punishment in the penalty for not less than one nor more than ten years, or, in your discretion, if confinement in jail for a period not exceeding twelve months and a fine not exceeding five hundred dollars.

If you do not find him guilty of house-breaking as charged in the indictment, but find him guilty of petit larceny as therein charged, then you will say so on the verdict as you find his punishment at confinement in jail for not less than ten days nor more than twelve months, or a fine of not less than five dollars nor more than one hundred dollars, or both such fine and imprisonment.

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 said county of Rockingham and now attending said Court at its April term, 1928, upon their oaths do present that Richard Bowers, on or about February 29, 1928, in said county, a certain out house, commonly called a meat house, the property of Maggie Via, there situate, in the nighttime of that day, feloniously did break and enter, with intent the goods and chattles of said Maggie Via, in the said meat house then and there being, feloniously to steal, take, and carry away, and four hams and one shoulder of meat of the value of thirty-two dollars, of the goods and chattels of Maggie Via, in the said meat house then and there being found, feloniously did steal, take, and carry away, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that Richard Bowers, on or about February 29, 1928, in said county, a certain chicken house, the property of Maggie Via, there situate, in the nighttime of that day, feloniously did break and enter, with intent the goods and chattels of said Maggie Via, in the said chicken house then and there being, feloniously to steal, take, and carry away, and three chickens, of the value of five dollars and five cents, of the goods and chattels of Maggie Via, in the said chicken house then and there being found, feloniously did steal, take, and carry away, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of S. F. Newman, E. W. Spicer, and Maggie Via, witnesses sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused, Richard Bowen guilty
as charged in the indictment and for his punishment
a three years in the penitentiary.

M. L. Lawrence
Foreman

H B

Commonwealth

v) Indictment

Richard Bowers

Felony

April term, 1928

A True Bill:

J. N. Swank
Foreman

D. W. Earmen
Commonwealth's Attorney

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COMMONWEALTH

VS

Felony

RICHARD BOWERS

April 30th

B. H. Linnell

J. C. Miller

S. W. Loring

A. R. Burke

J. H. Rhodes

J. S. Palmer

G. F. May

C. V. Phillips

J. G. Will

J. H. Riggs

Nathaniel W. Will

M. L. Linnell

