Continued 28

v H Hendy

moved trial of ~~every~~ other two cases be set for trial at this term which motion the Court granted and will later set time.

Motion for bail o other two cases, which motion refused - excepted

The Jury is instructed that if they believe from the evidence that at the time the accused shot Pauline Williams he was incapable of knowing it was wrong so to do, and was incapable of forming any criminal intent, then the accused is not responsible for his acts and cannot be found guilty

Instruction No. _____

The Court instructs the jury that every man is presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes until the contrary is proved to the satisfaction of the jury.

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The Court instructs the jury that every man is presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes until the contrary is proved to the satisfaction of the jury.

Instruction No. _____

The Court instructs the jury that in every case, although the accused may be laboring under partial insanity, if he still understands, the nature and character of his act and its consequences, and has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act he will do wrong and receive punishment, and possess withal a will sufficient to restrain the impulse that may arise from a diseased mind, such partial insanity is not sufficient to exempt him from responsibility to the law for his crimes.

Instruction No. _____

The Court instructs the jury that in every case, although the accused may be laboring under partial insanity, if he still understands, the nature and character of his act and its consequences, and has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act he will do wrong and receive punishment, and possess vitual a will sufficient to restrain the impulse that may arise from a diseased mind, such partial insanity is not sufficient to exempt him from responsibility to the law for his crimes.

Instruction No. ____.

The Court instructs the jury that if they believe from the evidence beyond a reasonable doubt that the prisoner, at the time of firing the shot or shots which caused the death of Pauline Williams, was capable of knowing the nature and consequence of his act, and, if he did not know, then that he knew he was doing wrong, and that so knowing he fired the shot or shots at the deceased with the willful, deliberate, and premeditated purpose of killing her, they will find the prisoner guilty of murder in the first degree.

Instruction No. ____.

The Court instructs the jury that if they believe from the evidence beyond a reasonable doubt that the prisoner, at the time of firing the shot or shots which caused the death of Pauline Williams, was capable of knowing the nature and consequence of his act, and, if he did not know, then that he knew he was doing wrong, and that so knowing he fired the shot or shots at the deceased with the willful, deliberate, and premeditated purpose of killing her, they will find the prisoner guilty of murder in the first degree.

Instruction No. _____

The Court instructs the jury that if they believe Clarence Williams murdered Pauline Williams, as charged in the indictment, and had at the time sufficient power of mind to distinguish between the right and wrong of such an act, although they may believe he suffered from mental aberration as to other matters, [redacted] then you may find him guilty

Instruction No. _____

The Court instructs the jury that if they believe Clarence Williams murdered Pauline Williams, as charged in the indictment, and had at the time sufficient power of mind to distinguish between the right and wrong of such an act, although they may believe he suffered from mental aberration as to other matters, ~~[illegible]~~ ~~[illegible]~~. Then you can find him guilty.

Instruction No. ____.

The Court instructs the jury that if they should acquit the prisoner, by reason of their believing him insane, that they will so state in their verdict.

Instruction No. ____.

The Court instructs the jury that if they should acquit the prisoner, by reason of their believing him insane, that they will so state in their verdict.

Instruction No. _____

The Court instructs the jury that the killing is prima facie willful, deliberate and premeditated and therefore murder in the first degree, if the prisoner with a deadly weapon in his possession without any, or upon very slight provocation, gives another a mortal wound, and extenuating circumstances are not shown by the prisoner, or appear from the case made by the state.

Instruction No. _____

The Court instructs the jury that the killing is prima facie willful, deliberate and premeditated and therefore murder in the first degree, if the prisoner with a deadly weapon in his possession without any, or upon very slight provocation, gives another a mortal wound, and extenuating circumstances are not shown by the prisoner, or appear from the case made by the state.

Instruction No. ____

The Court instructs the jury that there is no particular period during which it is necessary that the malice should have existed or the prisoner should have contemplated the homicide. If the intent to kill is executed the instant it springs into the mind, the offence is as truly murder as if it had dwelt there for a longer period.

Instruction No. ____

The Court instructs the jury that there is no particular period during which it is necessary that the malice should have existed or the prisoner should have contemplated the homicide. If the intent to kill is executed the instant it springs into the mind, the offence is as truly murder as if it had made there for a longer period.

Instruction No. ____

The Court instructs the jury, that the law is that malice may be implied from the deliberate use of a deadly weapon in the absence of proof to the contrary

Instruction No. ____

The Court instructs the jury, that the law is that malice may be implied from the deliberate use of a deadly weapon in the absence of proof to the contrary

Prisoners Report of Rockingham County Jail

Month of Nov 1 — 1933

Name Clarence Williams Date committed

Male yes Female Age 26 Race Col Single Married yes Divorced

Place of Birth Waynesboro Va If Foreign Born Time in U. S. years months

Physical condition fair Is person a drunkard? or drug victim?

Can read? yes write? yes Occupation Labor Offence Committed murdering his wife

City Ordinance State Held for Grand Jury

Held for trial Sentence 3 years months

Fine Costs Time in jail Held for penitentiary

Held as insane Held for other authorities ~~Feb 1 — 19~~

Behavior Date of discharge Feb-1-1934

DESCRIPTION OF PRISONER

Height 5-7 Weight 150 color of eyes Brown Color of hair Sandy

Teeth marks Hand marks

Arm marks Face marks

Shoulder marks Back marks

Thigh marks Knee marks

Calf of leg marks Foot marks

Fingers off Mole marks

Neck marks Breast marks

Left arm marks Right arm marks

Left leg marks Right leg marks

Mulatto in color

Fine after prisoner at jail; Amount to State $ Amount to City $

Deputy and Jailor

Sheriff.

Prisoners Report of Rockingham County Jail

Month of ..... 19 .....

Name ..... Date committed .....

Male ..... Female ..... Age ..... Race ..... Single ..... Married ..... Divorced .....

Place of Birth ..... If Foreign Born ..... Time in U. S. ..... years ..... months

Physical condition ..... Is person a drunkard? ..... or drug victim? .....

Can read? ..... write? ..... Occupation ..... Offence Committed .....

City Ordinance ..... State ..... Held for Grand Jury .....

Held for trial ..... Sentence ..... years ..... months

Fine ..... Costs ..... Time in jail ..... Held for penitentiary .....

Held as insane ..... Held for other authorities .....

Behavior ..... Date of discharge .....

DESCRIPTION OF PRISONER

Height ..... Weight ..... color of eyes ..... Color of hair .....

Teeth marks ..... Total marks .....

Arm marks ..... Face marks .....

Shoulder marks ..... Back marks .....

Thigh marks ..... Knee marks .....

Calf of leg marks ..... Foot marks .....

Fingers off ..... Mole marks .....

Neck marks ..... Breast marks .....

Left arm marks ..... Right arm marks .....

Left leg marks ..... Right leg marks .....

Fine after prisoner at jail; Amount to State $ ..... Amount to City $ .....

..... Deputy and Jailor

..... Sheriff.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Jas. H. Baice

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10~~ 9:30 *o'clock, a. m., on the* 28 *day of* January 19 34,

to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY

Clarence Williams

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 28th *day of* Dec. 19 33, *and in the* 158th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

P & L. PRESS, HARRISONBURG, VA

executed Dec 30 1933 by delivering a true Copy of the

within Summons to Jno Boyce

A. F. Yeaman Deputy for

C. R. Farley Sh'f

Com

v

Clarence Williams

1934

Jan. 2

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Mrs. O. D. Shank & Percy Wells

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 12th *day of* Jan. 1934, *to testify and the truth to say in behalf of the Commonwealth against*

Clarence Williams

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

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

Witness, J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 10th *day of* Jan. 1934, *and in the* 158th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA. No. 457

Com
v
Clarence Williams

Jan 10 1934

Received ____ by delivering a true Copy of this within Summons to Geo. D. Chaney Pres. C.V. Duffield Sec. C.R. Yancey

____ in person.

1934
Jan. 12

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

James H. Boice, A. P. Curry, John Logan
C. S. Leake, Odessa Wood + Virgie Kemper

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 12th *day of* January 19 34, *to testify and the truth to say in behalf of the Commonwealth against*

Clarence Williams

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 9th *day of* January 1934, *and in the* 158 *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA. No. 457

Commonwealth

vs

Clarence Williams

January 12 - 1934

James H. Boice
A. P. Curry
John Logan
C. S. Leake
Odessa Wood
Virgie Kemper

We, the Jury find the accused, Clarence Williams guilty of first degree murder and fix his penalty at thirty three (33) yrs in penitentiary.

W H Kizell - Foreman

Prisoners Report of Rockingham County Jail

Month of Mar. 1 1933

Name Clarence Williams Date committed

Male yes Female Age 26 Race Col Single Married yes Divorced

Place of Birth Waynesboro If Foreign Born Time in U. S. years months

Physical condition fair Is person a drunkard? or drug victim?

Can read? yes write? yes Occupation Labor Offence Committed Murder - Wife

City Ordinance State Held for Grand Jury

Held for trial Sentence 3 3 years months

Fine Costs Time in jail Held for penitentiary

Held as insane Held for other authorities

Behavior Date of discharge

DESCRIPTION OF PRISONER

Height 5 - 8 Weight 130 color of eyes Blue Color of hair Dark Brown

Teeth marks Gaps Hand marks

Arm marks Face marks

Shoulder marks Back marks

Thigh marks Knee marks

Calf of leg marks Foot marks

Fingers off Mole marks

Neck marks Breast marks

Left arm marks scar on pinky arm + hand Right arm marks

Left leg marks Right leg marks

Fine after prisoner at jail; Amount to State $ Amount to City $

Deputy and Jailor

Sheriff.

Prisoners Report of Rockingham County Jail

Month of ..... 19..

Name ..... Date committed .....

Male ..... Female ..... Age ..... Race ..... Single ..... Married ..... Divorced .....

Place of Birth ..... If Foreign Born ..... Time in U. S. ..... years ..... months

Physical condition ..... Is person a drunkard? ..... or drug victim? .....

Can read? ..... write? ..... Occupation ..... Offence Committed .....

City Ordinance ..... State ..... Held for Grand Jury .....

Held for trial ..... Sentence ..... years ..... months

Fine ..... Costs ..... Time in jail ..... Held for penitentiary .....

Held as insane ..... Held for other authorities .....

Behavior ..... Date of discharge .....

DESCRIPTION OF PRISONER

Height ..... Weight ..... Color of eyes ..... Color of hair .....

Teeth marks ..... Hand marks .....

Arm marks ..... Face marks .....

Shoulder marks ..... Back marks .....

Thigh marks ..... Knee marks .....

Calf of leg marks ..... Foot marks .....

Fingers off ..... Mole marks .....

Neck marks ..... Breast marks .....

Left arm marks ..... Right arm marks .....

Left leg marks ..... Right leg marks .....

Fine after prisoner at jail; Amount to State $ ..... Amount to City $ .....

..... Deputy and Jailor

..... Sheriff

Com
v.
Clarence Williams

	*
	35
	2.59
	2.59
Witnesses	2.59
	35
	70
	35
	9.52*

Corn
w.
Clarence Williams

Jury

*
*

4.50
3.60
3.00
3.30
3.05
3.30
2.50
2.80
2.50
3.60
2.50
3.50

38.15*
3.82
34.33

In the Name of the Commonwealth of Virginia:

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

You are hereby commanded to summon Roosevelt Black,

Ollie Leap & Virginia Carter

Waynesboro

Va

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 12th *day of* Jan. 1934,

to testify and the truth to say in behalf of the Commonwealth against Clarence Williams

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

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

Witness, J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 10th *day of* Jan. 1934, *and in the* 158th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA. No. 457

Cam

v

Clarence Williams

EXECUTED Jan 11 1934

as to the within named witnesses.

by delivering a copy of the within Sub-pa

to each. in person

Wm A. Coyner Jr. Dept.

For G W Gibson S. A. C.

1934

Jan. 12

Arrest Warrant City of Harrisonburg Va.

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

To C. R. Fawley, Sheriff, a ~~Constable~~ of said County:

Whereas, Jas. H. Boice. of the said ~~County~~ City, has this day made complaint and information on oath before me, R. S. Dwyer. a Justice of the said ~~County~~ City, that Clarence Williams of the said ~~County~~ City, on the 1st day of November, 1933, in the said ~~County~~ City, did feloniously kill and murder one Pauline Williams.
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~~ City, the body of the said Clarence Williams to answer the said complaint and to be further dealt with according to law. And you are required to summon Jas H Boice to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 3d day of November, in the year 1933.

R. S. Dwyer J. P. (Seal)

Service Press—170

JUDGMENT

Clarence Williams

Upon the examination of the within charge, I find the accused guilty and hold him for the next Grand Jury.
This the 3d day of November 1933

R. S. Dwyer
J P

Fine - - - - - -	$.....
Clerk's Fee - - - -	$.....
Justice's Fee - - - -	$.....
Arrest - - - - -	$.....
Summoning Witness - -	$.....
Witness Attendance and Mileage	$.....
Commonwealth's Attorney -	$.....
Jail Fees - - - - - -	$.....
Total - - - -	$.....

.....
Justice of the Peace

Commonwealth
vs. } Arrest Warrant

Clarence Williams

.....

Executed the within warrant by arresting and delivering the body of

.....

before .....
a justice of Rockingham County, and by summoning the within named witnesses in person this.....day of.....193....

.....
Constable of Rockingham County

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

I, ..., a Justice of the Peace in and for the County of Rockingham, State of Virginia, do hereby certify that ..... and ..... as his suret....., have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of ..... Dollars ($.....) to be made and levied of their goods and chattels, upon this condition: That the said ..... shall appear before the undersigned or the Circuit Court of Rockingham County, on the .....day of ....., 193...., and not leave hence without leave of the said Court, to answer the charge in this warrant, or to await the action of the Grand Jury of the said County upon the within charge.

Given under my hand this, the .....day of ....., 193.....

....., J. P.

COMMONWEALTH

v. Charge to the Jury.

CLARENCE WILLIAMS

Your charge is to inquire whether the accused is guilty of the felony as charged in the indictment or not guilty.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought and was wilful, deliberate and premeditated, then you shall find him guilty of murder in the first degree and ascertain his punishment at death, or, in your discretion, by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and the same was committed with malice aforethought, and was not wilful, deliberate and premeditated, then you shall find him guilty of murder in the second degree, and ascertain his punishment by confinement in the penitentiary for not less than five nor more than twenty years.

If you find him not guilty of murder in the first degree or of murder in the second degree, but that he killed Pauline Williams without malice aforethought, actual or implied, upon a sudden heat, on reasonable provocation, or in mutual combat, you will find him guilty of voluntary manslaughter, and ascertain his punishment by confinement in the penitentiary for not less than one nor more than five years.

If you find him not guilty of murder in the first degree or of murder in the second degree, or of voluntary manslaughter, but guilty of involuntary manslaughter, you will say so and ascertain his punishment by confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, assess a fine against him of not exceeding $1000, or by confinement in jail for not exceeding one year, or both.

If you find him not guilty, you will say so and no more.

Charge to the Jury

Com

v

Clarence Williams

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors of the Commonwealth of Virginia in and for the body of said county of Rockingham and now attending said Court at its December term, 1933, upon their oaths do present that Clarence Williams, on or about November 1, 1933, in said county, feloniously did kill and murder Pauline Williams, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of James H. Boice, a witness sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused Clarence Williams guilty of second degree murder as charged in the indictment and fix his punishment at thirty years in the penitentiary

R. K. Kegell
Foreman

Murder

Commonwealth

v) Indictment

Clarence Williams

V. B. Jail

Felony

December term, 1933.

A True Bill:

C. L. Hedrick
Foreman

Witness: Jas. H. Boice

D. W. Earman
Commonwealth's Attorney

#1186

COMMONWEALTH DEC 1933

V.) Felony (murder)

CLARENCE WILLIAMS

N.G. J. Jan 12

1 E. L. Gay
2 R. E. Filler
3 C. E. Huffman
4 C. M. Bowman
5. V. H. Kegell
6 R. M. Long
7 G. H. Cooper
8 Robert Neff
9 C. E. Byerly
10 Raleigh Kerrow
11 J. P. Bennett
12 J. T. Reid

Jail Fees — 43.80 (73 days)
arrest — 1.50
Exp. Jury 1.50
witness — (same) 5.00
51.80
Committal fee 50
$52.30