

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 the county of Rockingham, and now attending said Court at its April term, 1935, upon their oaths do present that on the 27th day of February, 1935, in said county and at the Circuit Court held for the said county in the court house thereof by Honorable H. W. Bertram, Judge of said Court, one Alexander Morris was tried on an indictment for feloniously killing one Henry Raines, as more fully appears by the records of the said court, and that upon the trial of the said Alexander Morris for the felony aforesaid John Tolly appeared in said court as a witness for and on behalf of the said Alexander Morris, and was then and there in said county, and in the court aforesaid, duly sworn by J. Robert Switzer, Clerk of said Court, upon the trial aforesaid, that the evidence he should give upon said trial should be the truth, the whole truth, and nothing but the truth, the said J. Robert Switzer then and there having authority by law to administer the said oath; and that upon the trial of the said Alexander Morris for the felony aforesaid it then and there became material to inquire whether or not the said John Tolly and Alexander Morris stopped at the home of George Morris a short time after they left the home of Hattie Via the night Henry Raines was killed on November 9, 1934 and also to inquire whether or not the said John Tolly did not state at the home of said George Morris that night that they left a dead man down at Hattie Via's, and that thereupon the said John Tolly being so sworn as a witness did on the said trial in the said county aforesaid feloniously willfully and corruptly depose, swear, and testify among other things that on the said night of November 9, 1934, he did not go into the home of George Morris shortly after he and said Alexander Morris left the Hattie Via home and that he did not state in said home at any time that night that there was a dead man down at Hattie Via's; whereas in truth and in fact he did stop at the home of George Morris that night and did

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 the county of Rockingham, and now attending said Court at its April term, 1935, upon their oaths do present that on the 27th day of February, 1935, in said county and at the Circuit Court held for the said county in the court house thereof by Honorable H. W. Bertram, Judge of said Court, one Alexander Morris was tried on an indictment for feloniously killing one Henry Raines, as more fully appears by the records of the said court, and that upon the trial of the said Alexander Morris for the felony aforesaid John Tolly appeared in said court as a witness for and on behalf of the said Alexander Morris, and was then and there in said county, and in the court aforesaid, duly sworn by J. Robert Switzer, Clerk of said Court, upon the trial aforesaid, that the evidence he should give upon said trial should be the truth, the whole truth, and nothing but the truth, the said J. Robert Switzer then and there having authority by law to administer the said oath; and that upon the trial of the said Alexander Morris for the felony aforesaid it then and there became material to inquire whether or not the said John Tolly and Alexander Morris stopped at the home of George Morris a short time after they left the home of Hattie Via the night Henry Raines was killed on November 9, 1934 and also to inquire whether or not the said John Tolly did not state at the home of said George Morris that night that they left a dead man down at Hattie Via's, and that thereupon the said John Tolly being so sworn as a witness did on the said trial in the said county aforesaid feloniously willfully and corruptly depose, swear, and testify among other things that on the said night of November 9, 1934, he did not go into the home of George Morris shortly after he and said Alexander Morris left the Hattie Via home and that he did not state in said home at any time that night that there was a dead man down at Hattie Via's; whereas in truth and in fact he did stop at the home of George Morris that night and did

state in said home on that occasion that they had left a dead man down at the home of Hattie Via; whereby the said John Tolly did then and there upon the said trial in the county aforesaid feloniously, willfully, and corruptly 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 George Morris, R. S. Dwyer and J. Robert Switzer, Clerk Hubert Morris, Robert Morris, and Alexander Morris, witnesses sworn in Court and sent before the grand jury to give evidence.

Perjury ✓

Commonwealth

v) Indictment

John Tolly

Felony

April term, 1935

A True Bill:

Geo. H. Shaver
Foreman

Witnesses: George Morris
Hubert Morris
Robert Morris
Alexander Morris
R. S. Dwyer
J. Robert Switzer

D. W. Earman
Commonwealth's Attorney

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Geo. Morris, Habash Morris, Robert Morris
alex Morris

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 *15* day of *April* 19 *35*,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY.....

John Tolly

who stands charged with a felony misdemeanor.

And this you 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 *9*
day of *April* 19 *35*, and in the *159* year of the Commonwealth.

J. Robert Switzer, Clerk

Executed on the 12th day of April, 1935 by
delivering a true copy of the within summons
to Geo. Morris, Robt. Morris, Hubert Morris,
Alex Morris, R. S. Dwyer and C. D. O'Donnell,
each in person.

St. George, Deputy for
C. R. Fawley, S. R. C.

Com.

John Talley

Apr. 15-1935

Geo. Morris

Hubert Morris

Robert Morris

Alex Morris

Clk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Geo Morris, Hubert Morris,

Robert Morris, Alex Morris, C. D.

O'Donnell, R. S. Dwyer

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 *8th* day of *May* 19 *35*

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

John Jolly

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 *7th*
day of *May* 19 *35* and in the 15 *9th* year of the Commonwealth.

J. Robert Switzer, Clerk

executed May 7 - 1931 by delivering a true copy of the

within Summons to

each in person.

Her Morris Robert Morris
R.S. Morgan C O Small aka Morris
Herbub Morris not present in
my Billbook!

Attest
Jas C R. Barclay R.D. 2

Com.

w/
John Gally

1935
May 8

Virginia, Rockingham County, To-Wit:
To the Clerk of the Circuit Court for said County:

I, Hamilton Haas, _____, Trial Justice for said County, do hereby certify that I
have this day committed John Tolley _____
to the jail of said County, that he _____ may be tried before the Circuit Court for said County for a felony by
him _____ committed in this, that _____ he _____ did, on the 27th day of February _____,
1935 _____, in the said County, unlawfully and feloniously commit perjury in the testi-
mony which he gave on oath as a witness upon the trial of one Alex Morris,
in the Circuit Court of said County, which testimony was material upon said
trial, against the peace and dignity of the Commonwealth of Virginia.

Given under my hand, this 12th day of April _____, 19 35.

Hamilton Haas _____, T. J.
By Harry Lee Bryan, Clerk

To the Clerk of the Circuit Court for VA. COMMONWEALTH OF VA. Virginia, Rockingham County, To-Wit:

I, Hamilton Haas, J. V. The Justice for said County, do hereby certify that I

JOHN TOLLEY

have this day committed John Tolley

to the jail of said County, that he may be tried before the Circuit Court for said County for a felony by

him committed in this that he did on the 27th day of February

Grand Jury

1933, in the said County, unlawfully and feloniously committed perjury in the testi-

mony which he gave on oath as a witness upon the trial of one Alex Morris,

in the Circuit Court of said County, which testimony was material upon said

trial, against the peace and dignity of the Commonwealth of Virginia.

Given under my hand, this 12th day of April, 1933.

T.J.

Hamilton Haas
at Rockingham County

TRIAL JUSTICE COURT

CRIMINAL DOCKET NO. 362.

COMMONWEALTH

V.)

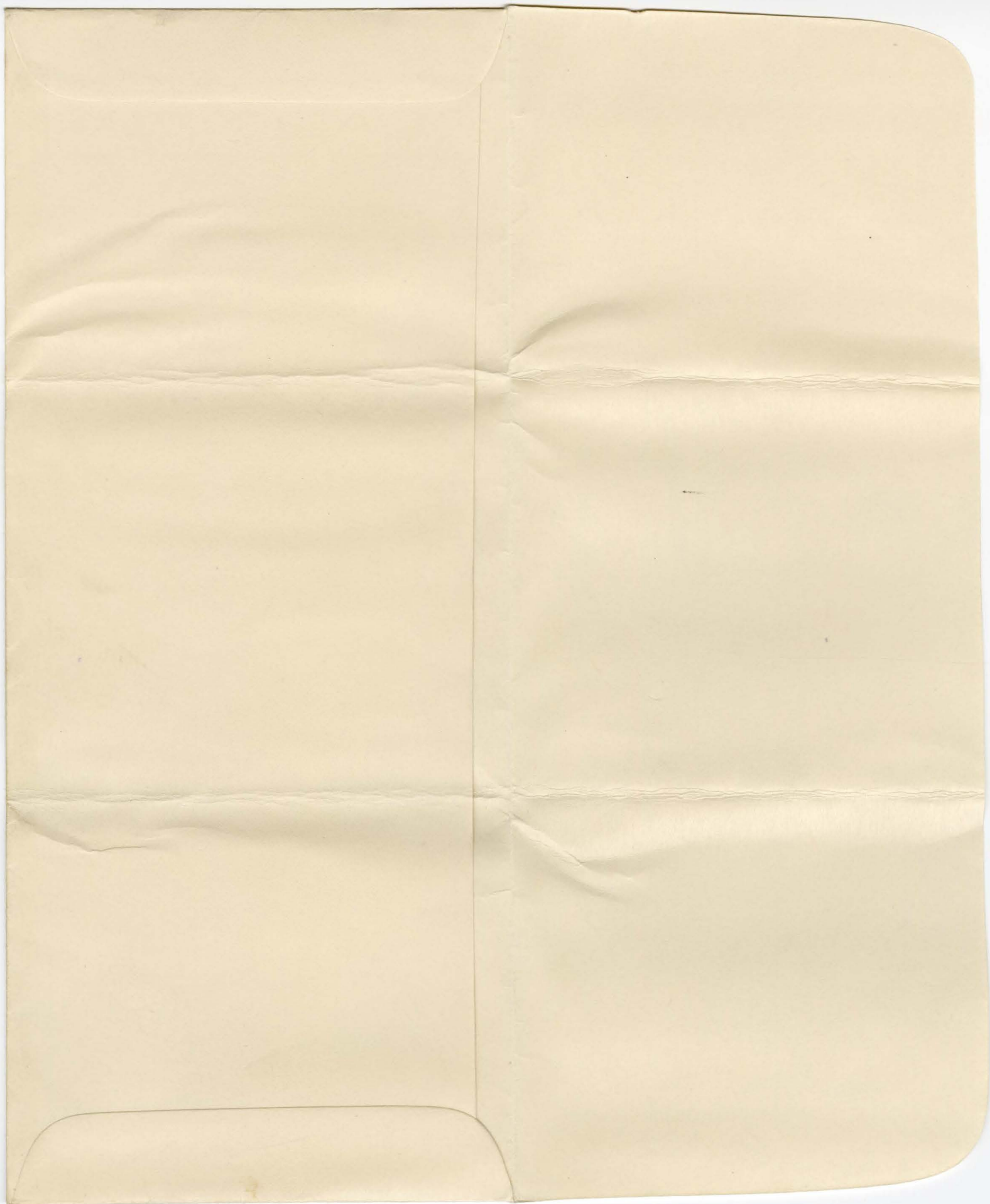
John Tolley

~~3/26/35~~

4/18/35 10: am

Witnesses -
~~J. R. Switzer~~
R. S. Dwyer 14
Geo. Morris 14
Robert Morris 14
Alex Morris
Hubert " 17
Chas. O'Donnell

Walter Jones



OFFICE OF THE
TRIAL JUSTICE

FOR
ROCKINGHAM COUNTY AND CITY OF HARRISONBURG
HARRISONBURG, VIRGINIA

COMMONWEALTH OF VIRGINIA:
COUNTY OF ROCKINGHAM, to-wit:

TO THE SHERIFF OF SAID COUNTY:

You are hereby commanded, in the name of
the Commonwealth of Virginia, to summon George Morris,
Hubert Morris, Robert Morris, and Alex Morris, to *C. D. O'Donnell, R. S. Dwyer, +
J. R. Sivitzer*
appear at the County Court House on Friday, April 12,
1935, at the hour of 10:00 o'clock A. M., of that day,
before the Trial Justice of said County, to give
evidence in behalf of the Commonwealth of Virginia,
in the pending prosecution of the Commonwealth of
Virginia v. John Tolley.

Given under my hand this 11th day of April, 1935.

Harry Lee Dwyer
Clerk T. J. Court

(Original)

Commonwealth of Virginia

v. (Subpoena)

John Tolley

April 12/35
10:00 A. M.

Executed April 11 - 1935 by delivering a true Copy of the
within Subpoena to Lee Morris Robert Morris also Morris
E. D. Deane, P.S. Robert Morris Robert Morris
In Person.

A. J. Pomeroy on behalf of
C. R. Farley & P.O.

Robert Morris

28
81-8
90
50
140
140
280
280
300
20
300
20
550

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

TO THE SHERIFF OF SAID COUNTY:

Whereas, D. W. Earman, Commonwealth's Attorney, has this day made complaint and information before me, Hamilton Haas, Trial Judge of said County, that John Tolly on the 27th day of February, 1935, in said county did feloniously commit willful and corrupt perjury in the testimony which he gave on oath as a witness upon the trial of one Alex Morris in the Circuit Court for the said county for feloniously killing Henry Raines, and which testimony was material upon the said trial, the said John Tolly having testified under oath that immediately after he and Alex Morris left the home of Hattie Via on November 9, 1934 that they proceeded to the home of the said Alex Morris, that they did not stop at the home of ^{GEORGE} John Morris at all that night, and that he did not tell George Morris and others on that occasion, or at any other time, that they left a dead man at Hattie Via's; whereas in truth and in fact said John Tolly did stop, along with Alex Morris, at the home of the said George Morris shortly after they left the Hattie Via home, and while there the said John Tolly told the said George Morris, et als, that they left a dead man down at Hattie Via's.

These are therefore in the name of the Commonwealth of Virginia to command you forthwith to apprehend the said John Tolly and bring him before me, or some other Justice of said county at Harrisonburg, Virginia to answer the said complaint and be further dealt with according to law, and you are moreover required to summon George Morris, Hubert Morris, Alex Morris, Robert Morris, R. S. Dwyer, and J. Robert Switzer to appear at the same time and place to testify as witnesses on behalf of the Commonwealth touching the matter of the said complaint.

Given under my hand and seal this 12th day of April, 1935.

Hamilton Haas Trial Judge

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

TO THE SHERIFF OF SAID COUNTY:

Whereas, D. W. BARTER, Commonwealth's Attorney, has

this day made complaint and information before me, Hamilton
 Esq., Trial Judge of said County, that John Tolly on the 27th
 day of February, 1935, in said county did feloniously commit wife
 full and corrupt perjury in the testimony which he gave on oath
 as a witness upon the trial of one Alex Morris in the Circuit Court
 for the said county for feloniously killing Henry Raines, and which
 testimony was material upon the said trial, the said John Tolly
 having testified under oath that immediately after he and Alex Mor-
 ris left the home of Hattie Via on November 9, 1934 that they pro-
 ceeded to the home of the said Alex Morris, that they did not stop
 at the home of John Morris at all that night, and that he did not
 tell George Morris and others on that occasion, or at any other
 time, that they left a dead man at Hattie Via; whereas in truth
 and in fact said John Tolly did stop, along with Alex Morris, at
 the home of the said George Morris shortly after they left the
 Hattie Via home, and while there the said John Tolly told the said
 George Morris, et al., that they left a dead man down at Hattie
 Via's.

These are therefore in the name of the Commonwealth of
 Virginia to command you forthwith to apprehend the said John Tolly
 and bring him before me, or some other Justice of said county at
 Harrisonburg, Virginia to answer the said complaint and be further
 dealt with according to law, and you are moreover required to summon
 George Morris, Hubert Morris, Alex Morris, Robert Morris, R. S.
 Dwyer, and J. Robert Switzer to appear at the same time and place
 to testify as witnesses on behalf of the Commonwealth touching the
 matter of the said complaint.

Given under my hand and seal this 12th day of April, 1935.

Trial Judge *[Signature]*

The Commonwealth of Virginia, } To-wit:
 Rockingham County, }
 To the Sheriff of said County:

Whereas, D. W. Earman, Commonwealth's Attorney of said County, has this day made complaint and information on oath before me, Hamilton Haas, Trial Justice of the said County, that John Tolley of the said County, on the 27th day of February, 19 35, in the said County, did unlawfully and feloniously commit perjury while testifying in the case of Commonwealth of Virginia v. Alex Morris, in the Circuit Court of Rockingham County, 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 the Trial Justice of the said County, the body of the said

John Tolley

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, this 27th day of February, 19 35.

Hamilton Haas
 T. J. or J. P.
By Harry Lee Bryan
 Clerk S. J. Court

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

I, _____, (T. J. or J. P. or Bail Commissioner), 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 (\$ _____) as to

which they severally waived their exemption, to be made and levied of their goods and chattels, yet upon this condition: That the said _____ shall appear before the Trial Justice Court of Rockingham County at _____

on the _____ day of _____, 193____, at _____ o'clock A. M., and not depart hence without leave of said Court, and at such other 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 said charge, and then and there answer the Commonwealth of Virginia concerning the within charge until the same is finally disposed of, then this recognizance shall be null and void; otherwise to remain in full force and effect.

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

T. J. or J. P. or Bail Commissioner

JUDGMENT

April 1/135

Upon the examination of the within charge, I find the accused

Guilty for Grand Jury

Trial Justice Court

Criminal Docket No. *362*

Commonwealth

vs.

Arrest Warrant

JOHN TOLLEY

Fine	- - - - - \$
Issuing Justice's Fee	- \$ 1.00
Clerk's Fee	- - - - - \$ 1.75
Trial Justice Fee	- - - - - \$ 2.00
Arrest	- - - - - \$ 1.00
Summoning Witness	- \$ 3.00
Witness Attendance & Mileage	\$ 5.50
Commonwealth's Attorney	- - - - - \$ 5.00
Jail Fees	- - - - - \$

Total - - - - - \$ *18.75*
Shirley Hays

Trial Justice

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 *11* day

of *March*, 193*5*.

W. Newman
Deputy J.P.
C. R. Pawley & Co.

APR - 1935

#1269

COMMONWEALTH

V.) Felony (per jury)

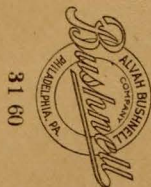
JOHN TOLLY *Blawie N.G.*

May-13-

Committed to jail 3/11-1935
Cred - 34 days in jail

6/13/35

Sherriff Cost	
Arrest	150
Simon Martin	72 300
" " " "	72 300
" " " "	72 300
" " " "	50
Com Fee	<u>1100</u>



31 60