

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of said county of Rockingham and now attending said Court at its February term, 1935, upon their oaths present that Alexander B. Morris, on or about the 9th day of November, 1934, in said county, did unlawfully and feloniously kill and murder Henry Raines, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Hattie Via, Curtis Via, Mabel Via, Lucille Via, S. F. Newman, R. S. Dwyer, Dr. L. F. Byers, Isaac Gooden, and Ed. Herring, witnesses sworn in Court and sent before the grand jury to give evidence.

We, the Jury find the accused Alexander B. Morris, guilty of involuntary manslaughter as charged in the indictment and fix his punishment at four years in the penitentiary

G. F. Burner
Foreman

In the Circuit Court of said County:

Murder

Commonwealth

v) Indictment

Alexander B. Morris

Felony

February term, 1935

~~Not~~ A True Bill:

G. F. Burner

Foreman

Witnesses: Hattie Via
Curtis Via
Mabel Via
Lucille Via
S. F. Newman
R. S. Dwyer
Dr. L. F. Byers
Isaac Gooden
Ed. Herring

D. W. Eaman
Commonwealth's Attorney



TRIAL JUSTICE COURT

CRIMINAL DOCKET NO.. 185..

COMMONWEALTH

v.)

Alexander B. Morris

Held for Grand Jury



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

I, Harriet Haas, Trial Justice for said County, do hereby certify that I
 have this day committed Alexander B. Morris

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 9th day of Nov.,
 1934, in the said County, murder on Henry Raines

Given under my hand, this 4th day of Dec, 1934.
Harriet Haas, T. J.

Comth

v.

Ala. Morris

Virginia, Rockingham County, To-Wit:

To the Clerk of the Circuit Court for said County

I, ~~James H. ...~~ Trial Justice for said County, do hereby certify that I

have this day committed

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

himself, committed in this that he did, on the ~~...~~ day of ~~...~~

last, in the said ~~...~~

Given under my hand, this ~~...~~ day of ~~...~~

J. T.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Hattie Via, Curtis Via

Mabel Via, Lucille Via, S. F. Neuman,

R. L. Dwyer, Dr. L. F. Byers, Isaac Gooden

& Ed. Herring

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 *18th* day of *Feb.* 19*35*,

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

Alexander B. Morris

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 *9th*
day of *Feb.* 19*35*, and in the *159th* year of the Commonwealth.

J. Robert Switzer, Clerk

Executed Feb-11-1935 by delivering a true copy

of the within summons to Hattie Vign

Quetta Vign, Lincoln Vign

Maple Vign, Isaac Gooden

Ed Kering dr F. L. Byers & F. Newman

E. E. Kean
each in person.

A. K. Newman refused for
E. K. Pawley A. P. C.

Com

1935

Feb. 18

Alexander B. Morris

Executed this 22nd day of February, 1935, in my county of
Prince William, by delivering to Gordon D. Weeks and Alberta
Via, in person, a true copy of the within notice.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF PRINCE WILLIAM COUNTY, GREETING:

You are hereby commanded to summon Gordon D. Weeks,
whose address is R.F.D.#1, Woodbridge, Virginia, and Alberta
Via, to appear before the Judge of the Circuit Court of Rock-
ingham County, at the Court House thereof, at 9:30 o'clock,
a. m., on the 27th day of February, 1935, to testify and the
truth to say in a certain case therein pending of Commonwealth
v. Alexander Morris, who stands charged with and indicted for
a felony.

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 20th day of February, 1935, in the
159th year of the Commonwealth.

J. Robert Switzer, Clerk.
By Margie Bauers, D.C.

COMMONWEALTH

v.)
p.s.

1935

Prin William Co Va

Executed this 22nd day of February, 1935, in my county of Prince William, by delivering to Gordon D. Weeks and Alberta Via, in person, a true copy of the within notice.

J. P. Kerlin, Sheriff, Prince William County, Virginia

TO THE SHERIFF OF PRINCE WILLIAM COUNTY, GREETING:

You are hereby commanded to summon Gordon D. Weeks, whose address is R.F.D. #1, Woodbridge, Virginia, and Alberta Via, to appear before the Judge of the Circuit Court of Rock-

ingham County, at the Court House thereof, at 8:30 o'clock,

on the 27th day of February, 1935, to testify and the trial to say in a case therein pending of Commonwealth v. Alexander Morris, who stands charged with and indicted for

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 20th day of February, 1935, in the

1835th year of the Commonwealth.

COMMONWEALTH

V.) Spa.

ALEXANDER MORRIS

Witnesses: D. Weeks
Gordon D. Weeks
Alberta Via

February 27:
1935

J. Robert Switzer
Clerk.

Com

Marri
H.W.B.

Instruction No. 1

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

Let's make this one.

It is not a matter of "if" but "when" and "how" we will do it.

The only thing that matters is that we do it.

INVESTIGATION NO. 1

Handwritten notes:
1/10/41
1/11/41

Cover
of
Marriss
1207B

Instruction No. 2.

The Court instructs the jury that every homicide in Virginia is presumed to be murder in the second degree. In order to elevate the offence to murder in the first degree, the burden of proof is upon the Commonwealth, and to reduce the offence to manslaughter, the burden of proof is upon the prisoner.

Copy
of
Drawing
No. 1

Instruction No. 2

The Court instructs the jury that every homicide in
Virginia is presumed to be murder in the second degree. In
order to elevate the offence to murder in the first degree, the
burden of proof is upon the Commonwealth, and to reduce the
offence to manslaughter, the burden of proof is upon the
prisoner.

*Common
Murder's
11/12*

Instruction No. 3.

The Court instructs the jury that murder is distinguished by the law in Virginia as murder in the first degree and murder in the second degree.

The Court instructs the jury that murder by poison, lying in wait, imprisonment, starving or any wilful, deliberate and premeditated killing, or in the commission of, or attempt to commit, arson, rape, robbery, or burglary, is murder of the first degree. All other murder is murder of the second degree.

Instruction No. 3

Handwritten notes:
Circuit
The
Case

The Court instructs the jury that murder is distinguished
by the law in Virginia as murder in the first degree and murder
in the second degree.

The Court instructs the jury that murder by poison, lying
in wait, imprisonment, starving or any willful, deliberate and
premeditated killing, or in the commission of, or attempt to com-
mit, any other crime, is murder in the first
degree. All other murder is murder in the second degree.

How
v
Marris
1919

Instruction No. 4

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury, and the law is that where a number of witnesses testify directly opposite to each other, the jury is not bound to regard the weight of the evidence as equally balanced, the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, and their apparent candor and fairness, their apparent intelligence, and from all the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

Page
of
Witness
No.

Instruction No. 11

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury, and the law is that where a number of witnesses testify directly opposite to each other, the jury is not bound to regard the weight of the evidence as equally balanced, the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, and their apparent candor and fairness, their apparent intelligence, and from all the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

Conn
v
Marrin
17413

Instruction No. 5.

The Court instructs the jury that on a 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 malice is thrown upon the accused.

John
to
Oswald
1963

Instruction No. 2

The Court instructs the jury that on a charge of murder
malice is presumed from the fact of killing. When the killing
is proved, and is unaccompanied with circumstances of passion,
the burden of disproving malice is thrown upon the accused.

Comm
2
Carr's
over

Instruction No. 6.

The Court further instructs the jury that to constitute a wilful, deliberate, and premeditated killing it is not necessary that the intention to kill should exist any particular length of time prior to the actual killing. It is only necessary that such intention should come into existence for the first time at the time of killing, or any time previously.

Instruction No. 1

*James
W
Barnes
1885*

The Court further instructs the jury that to constitute a
willful, deliberate, and premeditated killing it is not necessary
that the intention to kill should exist any particular length of
time prior to the actual killing. It is only necessary that such
intention should come into existence for the first time at the time
of killing, or any time previously.

Corn
v
Marrie

Instruction No. 7

The Court further instructs the jury that in determining the weight to be given the testimony of different witnesses in this case, the jury are authorized to consider the relationship of the witnesses to the parties, if the same is proved; their interest, if any, in the result of this case; their temper, feeling or bias, if any has been shown; their demeanor whilst testifying; their apparent intelligence; their means of information, and to give such credit to the testimony of such witnesses as under all the circumstances such witnesses seem to be entitled to.

Case
of
Criminal

Instruction No. 7

The Court further instructs the jury that in determining the weight to be given the testimony of different witnesses in this case, the jury are authorized to consider the relationship of the witnesses to the parties, if the same is proved; their interest, if any, in the result of this case; their temper, feeling or bias, if any has been shown; their demeanor whilst testifying; their agreement in testimony; their means of information, and to give such credit to the testimony of such witnesses as under all the circumstances such witnesses seem to be entitled to.

Comm
v
Marris
KWB

INSTRUCTION NO. 4

The Court instructs the Jury that as a matter of Law, the mere charge or indictment against the defendant does not justify any inference as to the guilt of the defendant, and that the defendant, in law, is presumed to be innocent of the offense charged in the indictment, and the burden is on the Commonwealth to prove the guilt of the defendant beyond any reasonable doubt, and that unless the Jury believe that the evidence proves beyond a reasonable doubt every fact essential to the conviction of the accused, they must find him not guilty.

From
9
Criminal
Cases

INSTRUCTION NO. 1

The Court instructs the jury that as a matter of law, the burden

is on the party who asserts the affirmative, and that the defendant, in law, is presumed
to be innocent of the offense charged in the indictment, and the burden is on
the Commonwealth to prove the guilt of the defendant beyond any reasonable
doubt, and that unless the jury believe that the evidence proves beyond a
reasonable doubt every fact essential to the conviction of the accused, they
must find him not guilty.

Com
v
Marr's
ITWB

INSTRUCTION NO. 13

The Court instructs the Jury that the law presumes every person charged with a crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the accused through the entire case, and applies at every stage thereof; and if, after having heard all of the evidence in this case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is their duty to give the prisoner the benefit of the doubt, and find him not guilty.

1867
6
Merrill
1867

INSTRUCTIONS TO THE JURY

The Court instructs the jury that the law presumes every person innocent until proven guilty. The burden of proof is on the prosecution to establish the guilt of the defendant beyond a reasonable doubt. The jury must consider all the evidence presented to them and apply the law to the facts. If the jury believes that the defendant is guilty beyond a reasonable doubt, they must return a verdict of guilty. If the jury believes that the defendant is not guilty, they must return a verdict of not guilty. It is the duty of the jury to give the prisoner the benefit of the doubt, and that this not apply.

COMMONWEALTH

:

vs.

:

CHARGE TO THE JURY.

ALEXANDER B. MORRIS

:

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 willful, 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 willful, 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 Henry Raines 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 not exceeding \$1,000.00, 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.

If you find him not guilty, you will say so and no more.
not exceeding one year, or both.

against him not exceeding \$1,000.00; or by confinement in jail for
one not more than five years, or, in your discretion, assess a fine
his punishment by confinement in the penitentiary for not less than
but guilty of involuntary manslaughter, you will say so and ascertain
or of murder in the second degree, or of voluntarily manslaughter;

If you find him not guilty of murder in the first degree
five years.

confinement in the penitentiary for not less than one nor more than
guilty of voluntarily manslaughter, and ascertain his punishment by
or passive provocation, or in mutual combat; you will find him
without malice aforethought, actual or implied, upon a sudden heat,
or of murder in the second degree, but that he killed Henry Wallace

If you find him not guilty of murder in the first degree
than twenty years.

by confinement in the penitentiary for not less than five nor more
guilty of murder in the second degree, and ascertain his punishment
he willful, deliberate and premeditated, then you shall find him
and the same was committed with malice aforethought, and was

If you find him guilty of murder, as charged in the indictment,
for life, or for any term not less than twenty years.

Commonwealth
v) Charge to the Jury
Alexander B. Morris

of the felony as charged in the indictment or not guilty.
Your charge is to inquire whether the accused is guilty
ment, and that the same was committed with malice aforethought and
willful, deliberate, and premeditated, then you shall find him
of murder in the first degree and ascertain his punishment
or of murder in the second degree, or of voluntarily manslaughter;

ALEXANDER B. MORRIS :
as. : CHARGE TO THE JURY.

COMMONWEALTH :

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

Whereas, D. W. Earman of said County, has this day made complaint and information on oath before me, Hamilton Haas, Trial Justice of the said County, that Alexander B. Morris T. J. or J. P. or about 9th day of November, 1934, in the said County, did unlawfully and feloniously kill and murder one Henry Raines, 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

Alexander B. Morris

to answer the said complaint and to be further dealt with according to law. And you are required to summon Hattie Via, Alberta Via, Curtis Via, S. F. Newman, R. S. Dwyer, L. F. Byers, Cordelia C. Raines, Annie C. Morris, to appear and give Viola Raines, Isaac Gooden, and Ed Herring, E. E. Kiser, Mabel Via, & Mabelle Via. evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand, this 26th day of November, 1934.

Hamilton Haas
 By Harry Lee Bryan T. J. or J. P.
Clerk of 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 surety _____, 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

Dec. 4, 1934
Upon the examination of the within charge, I find the accused *Preliminary hearing waived and accused held for grand jury*

Fine	- - - - - \$
Issuing Justice's Fee	- - - - - \$ <i>1.00</i>
Clerk's Fee	- - - - - \$ <i>1.25</i>
Trial Justice Fee	- - - - - \$ 1.00 <i>2.74</i>
Arrest	- - - - - \$ <i>7.00</i>
Summoning Witness	- - - - - \$ <i>16.70</i>
Witness Attendance & Mileage	- - - - - \$
Commonwealth's Attorney	- - - - - \$
Jail Fees	- - - - - \$
Total	- - - - - \$ <i>28.69</i>

Hewitt in Debt
Trial Justice

Trial Justice Court

Criminal Docket No. *184*

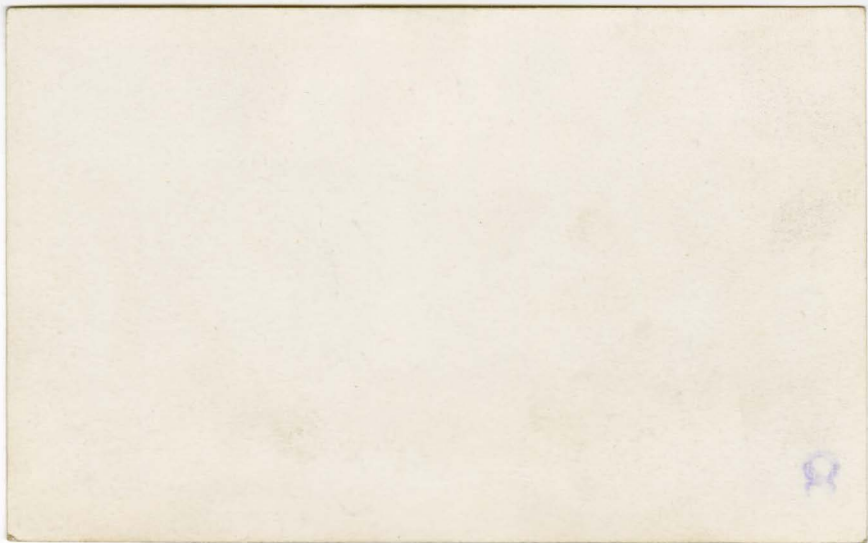
Commonwealth vs. { Arrest Warrant
Alexander B. Morris

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 *26* day of *Nov*, 193*4*.

W. F. Newman del. J. P. H. Farley s. H. C.









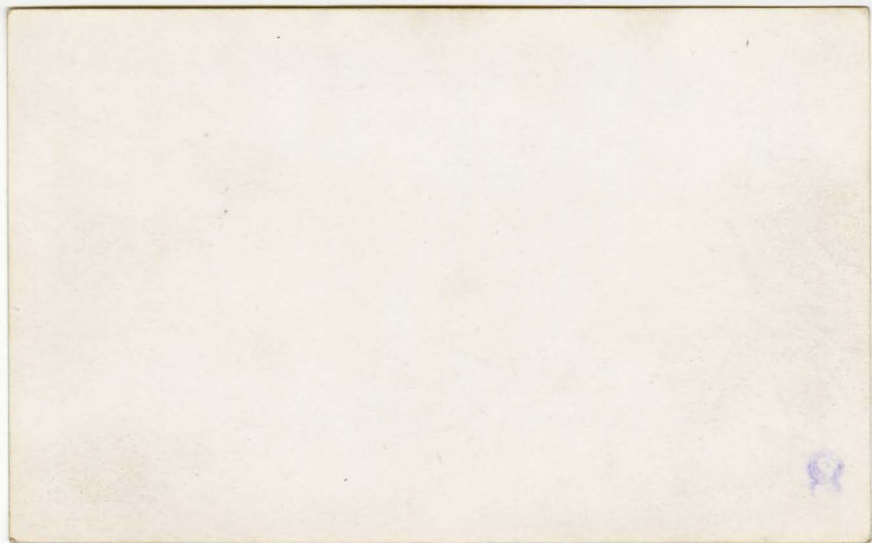












FEB 1935

#1250

COMMONWEALTH

V.) Felony --murder

ALEXANDER B. MORRIS *N.S.*

Feb 27+28

Hydr

Nov-10-

110 days

- 1 L. J. Good
- 2 Geo. A. Moore
- 3 C. J. Rume
- 4 F. S. Hise
- 5 Boyd Leivil
- 6 C. R. Currie
- 7 A. C. Gaster
- 8 A. F. Good
- 9 Paul Kieft
- 10 F. W. Fishback
- 11 Bennett Bradley
- 12 Leves. H. Gordon

Shuff out
 arrest & mltgs 374.
 Amos witness fees 7.00
 " " Tj 7.00
 " " GJ 4.50
 " " CR 8.00
 Imp for 1.50
 comm fee .50
32.24

Audit fault time 110 days