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 June term, 1937, upon their oaths do present that John D. Long, on or about April 23, 1937, in said county, with a certain gun, then and there loaded with gunpowder and leaden shot, feloniously and of his malice aforethought, did shoot one, Lucy Kiser, with intent her, the said Lucy Kiser, then and there to maim, disfigure, disable, and kill, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of J. F. Kiser, Pearl Hussey, D. H. Radford, J. W. Bazzle, E. E. Kiser, and Rodney Howdyshell, witnesses sworn in Court and sent before the grand jury to give evidence.

FA

N. G.

Commonwealth

vs) Indictment

John D. Long Bail N. G.

Felony

June term, 1937

A True Bill:

Jno. F. Miller

Foreman

Witnesses: J. F. Kiser
Pearl Hussey
D. H. Radford
J. W. Bazzle
E. E. Kiser
Rodney Howdyshell

D. W. Earman
Commonwealth's Attorney

ORDER OF COURT JULY 16, 1937

Commonwealth

v.

John D. Long

Upon the order of the court this day came again the attorney for the commonwealth and the defendant, John D. Long, who was convicted by the jury at a former day of this term of court, of the felony for which he was indicted, and his punishment fixed by the verdict of said jury at confinement in the penitentiary for the period of five years and six months, as to which verdict the passage of sentence was suspended by the court pending the report of a commission, consisting of Howard Armstrong and J. L. Wright, two qualified physicians appointed to inquire into the sanity of said vonvict as shown by former order of this court; and it now appearing from the report of said commission this day returned and filed, that said vonvict is insane, it is ordered that said John D. Long be, and he is hereby committed to the department for the criminal insane in the Southwestern State Hospital at Marion, Virginia, there to be kept as provided by law, and pending his removal to said institution said convict shall be safely kept by the sheriff of this county in the jail of this county; and that the clerk of this court cause to be made and delivered to said institution ertified copies of the indictment, the report of the commission, and all orders entered in this case.

ORDER OF COURT JULY 9, 1937

Commonwealth

v.

John D. Lone

Sec 102

Commonwealth

v

John D. Long.

Upon the order of the court this day came again the attorney for the Commonwealth and the defendant, John D. Long, who was convicted by the jury at a former day of this term of court, of the felony for which he was indicted, and his punishment fixed by the verdict of said jury at confinement in the penitentiary for the period of five years and six months, as to which verdict the passage of sentence was suspended by the court pending the report of a commission, consisting of Howard Armstrong and J. L. Wright, two qualified physicians appointed to inquire into the sanity of said convict as shown by former order of this court; and it now appearing from the report of said commission this day returned and filed, that said convict is insane, ~~the court doth withhold sentence on the said verdict of the jury and doth~~

it is ordered that said John D. Long be, and he is, hereby committed to the department for the criminal insane in the Southwestern State Hospital at Marion Virginia, there to be kept as provided by law, and pending his removal to said institution said convict shall be safely kept by the Sheriff of this county in the jail of this county; and that the clerk of this court caused to be made and delivered to said institution certified copies of the indictment, the report of the commission and all orders entered in this case,

Ent. 1924

1 D. L. Hess
2 C. R. Bradley
3 Henry R. Jarrell
4 Harry L. Keller
5 Adam Ezra
6 F. G. Glick
7 P. W. Sloan
8 H. L. Arthur
9 Thos. Moore
10 C. M. Hillyard
11 Jas. R. Marsh
12 Robt E. Lee

JUN 1937
#1405

COMMONWEALTH JUN 1940

V. ) Felony (fa)

JOHN D. LONG

6/177

| | |
|---|---|
| Jury | 1.50 |
| Witnesses | 8.00 |
| arrest | 1.50 |
| Com | 30 |
| total | 11.50 |

7/362 6/28/40

ALVAH BUSHNELL COMPANY
Bushnell
PHILADELPHIA, PA.

34-2877

It is my opinion you have jurisdiction under Section 1041, to furlough Long and under section 1040 to deliver him to the custody of his wife under bond. I am preparing an order which I request your Honor to enter, furloughing Long under the authority of Section 1041, as this is the section under which the hospital authorities contemplated the order would be entered. I do not see that it makes any particular difference under which section jurisdiction for the order is based. If your Honor will enter this order, we will have the Clerk transmit a certified copy to Dr. Blalock and Long would then be released on furlough for one year.

Very truly yours,

GPY:MS

George P. Young.

CAMPBELL & CAMPBELL
ATTORNEYS AT LAW
WYTHEVILLE, VIRGINIA

STUART B. CAMPBELL
GEORGE P. YOUNG
STUART B. CAMPBELL, JR.

December 5, 1941

Code 1045
161 Va 924
924

Honorable H. W. Bertram,
Harrisonburg, Virginia.

RE: JOHN D. LONG

Dear Judge Bertram:

I have a copy of Dr. Blalock's letter to you of November 28, regarding Mr. Long.

The contention of the Marion authorities is that they cannot release Mr. Long because of the last sentence of Section 1041 of the Code. They further contend, however, that this section applies to the Superintendent of the Hospital but not to the Court and their contention is based on the fact that Section 1040 expressly applies to both the Superintendent and the Court and that the Legislature must have, therefore, intended Section 1041 to apply only to the Superintendent. They say, therefore, that it was not the intention of Section 1041 to prevent a court, where a person wasconvicted, from furloughing him with the consent of the Hospital authorities. This seems to be the construction that the hospital has put on Section 1041.

Your Honor will see that under Section 1040, the person referred to by this section, as we understand it, is a person (1) "charged with crime and subject to be tried therefor" or (2) "convicted of crime and subject to be punished therefor." Long was convicted in 1937 and has been in the Hospital since July 25, 1937, a period of four years and four months. Under Section 4910 the time a person is confined in a criminal insane department shall be deducted from his sentence. In other words, had Long been in the penitentiary he would receive half time off and would now be out. He would have had to serve two years and nine months on good behavior and thus his term would have been up sometime ago. Therefore, now as of the time your Honor would enter an order furloughing Long, he is not within the purview of Section 1040, "a person convicted of crime and subject to be punished therefor." If he is not, as provided by this section, the court may deliver him to any friend who will give bond with surety as provided by this section. With regard to the last clause of this section, even if it be regarded as applicable to Long's case, which I do not think it is because he was not found to be insane after commitment, the letter of Dr. Blalock, in effect, states to you that Long is harmless because certainly Dr. Blalock would not agree to a parole of Long if he were not harmless.

CAMPBELL & CAMPBELL
ATTORNEYS AT LAW
WYTHEVILLE, VIRGINIA

STUART B. CAMPBELL
GEORGE P. YOUNG
STUART B. CAMPBELL, JR.

December 5, 1941

Honorable H. W. Bertram,
Harrisonburg, Virginia.

RE: JOHN D. LONG

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The contention of the Marion authorities is that they cannot release Mr. Long because of the last sentence of Section 1041 of the Code. They further contend, however, that this section applies to the Superintendent of the Hospital but not to the Court and their contention is based on the fact that Section 1040 expressly applies to both the Superintendent and the Court and that the Legislature must have, therefore, intended Section 1041 to apply only to the Superintendent. They say, therefore, that it was not the intention of Section 1041 to prevent a court, where a person wasconvicted, from furloughing him with the consent of the Hospital authorities. This seems to be the construction that the hospital has put on Section 1041.

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IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COMMONWEALTH

v. ORDER

JOHN D. LONG

This day came counsel for the accused and moved the Court to enter an order furloughing the accused from the Southwestern State Hospital in Marion, Virginia, and it appearing to the Court that reasonable notice of this motion has been given to the attorney for the Commonwealth of this County, and it appearing to the Court that said Long has been confined in said institution since July 25, 1937, and the Superintendent of said Hospital having reported to the Court by letter dated November 28, 1941, that the level of intelligence of the said Long is within the realm of normal and that he is willing for said Long to ~~the~~ be released on parole or furlough upon being assured that the said Long's relatives will give said Long adequate supervision, and Mrs. John D. Long, who is the same as Mrs. Stella Long, wife of the said John D. Long, having appeared in person before the Court and made oath that she would give careful and adequate supervision of the said Long, to the best of her ability, it is accordingly ordered that the said John D. Long be forthwith paroled and furloughed from the said Southwestern State Hospital at Marion, in accordance with the rules and regulations of said institution.

It is further ordered that the Clerk of this Court do forthwith certify a copy of this order to the Superintendent of the Southwestern State Hospital at Marion.

COMMONWEALTH

v. ORDER

JOHN D. LONG

Enter this _____day of December, 1941.

_____
Judge

July 1937

July 7 / 1937

We the Jury find the accused John D. Long Guilty of Maliciously Shooting Lucy Kiser as Charged in the Indictment and fix his punishment at 5 yrs and six months in the Penitentiary

Robert E Lee Foreman

Com
v
Young

INSTRUCTION NO. 60.

The court further instructs the jury that circumstances of suspicion no matter how grave or strong are not proof of guilt. The accused can not be convicted upon mere suspicion; he must be found not guilty unless the fact of his guilt is proven beyond all reasonable doubt to the actual exclusion of every reasonable theory of his innocence consistent with the facts proven.

Form 5
Page

INSTRUCTION NO. 8

The court further instructs the jury that circumstances of suspicion no matter how grave or strong are not proof of guilt. The accused can not be convicted upon mere suspicion; he must be found not guilty unless the fact of his guilt is proven beyond all reasonable doubt to the actual exclusion of every reasonable theory of his innocence consistent with the facts proven.

Comm
v
Young
Hub B

INSTRUCTION NO. C

The court instructs the jury that the accused is not to be prejudiced by reason of the failure of the Commonwealth to point out any other person who might have committed the crime or disclose evidence of some other criminal agents, and the accused is not called upon to vindicate himself by naming the guilty person; neither is the failure of the evidence to point out any other person as the guilty party a circumstance that you may take into consideration in determining the guilt or innocence of the accused.

Comm
vs
Barnes

INSTRUCTION NO. 6

The court instructs the jury that the accused is not to be prejudiced by reason of the failure of the Commonwealth to point out any other person who might have committed the crime or disclose evidence of some other criminal agents, and the accused is not called upon to vindicate himself by making the guilty person; neither is the failure of the evidence to point out any other person as the guilty party a circumstance that you may take into consideration in determining the guilt or innocence of the accused.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

COMMONWEALTH :

vs. : CHARGE TO THE JURY.

JOHN D. LONG :

If you find the accused, John D. Long, not guilty, you will say so and no more.

If you find him guilty of malicious shooting, as charged in the indictment, then you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than ten years.

If you do not find him guilty of malicious shooting, as charged in the indictment, but find him guilty of unlawful shooting, as therein charged, then you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than five years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and by a fine not exceeding $500.

If you do not find him guilty of either of the felonies aforesaid, but find him guilty of assault and battery, as charged in the indictment, 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 $500, or by both such fine and imprisonment.

Commonwealth

v

John D. Long

Charge to the Jury

Case
v
Young
Hibbs

1

The Court tells the jury that, in determining the weight to be given to 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 while testifying; their apparent intelligence, and their means of information; and to give such credit to the testimony of such witnesses as under all the circumstances such witness seems to be entitled to.

Com
v
Young
HWB

INSTRUCTION NO. 4

The Court instructs the jury that the law is that the accused defendant is presumed to be innocent of the crime charged against him in this case and this presumption of innocence goes with the accused throughout the entire trial and applies to every stage thereof. So the Court further tells the jury that they cannot find the accused guilty unless the Commonwealth proves his guilt beyond a reasonable doubt.

INSTRUCTION NO. 4

The Court instructs the jury that the law is that the accused defendant is presumed to be innocent of the crime charged against him in this case and this presumption of innocence goes with the accused throughout the entire trial and applies to every stage thereof. So the Court further tells the jury that they cannot find the accused guilty unless the Commonwealth proves his guilt beyond a reasonable doubt.

Com
v
Long
H103

INSTRUCTION NO. 13

The court instructs the jury that in the application of circumstantial evidence to the determination of the case, the utmost caution and vigilance should be used. In all cases of circumstantial evidence, the time, place, means, opportunity, motive and conduct or such of these facts as may be proved with other facts, if any, must all concur to point out the accused beyond all reasonable doubt as the guilty agent. Such evidence is always insufficient where, assuming all to be true which the evidence tends to prove, some other reasonable theory may still be true, for it is the actual exclusion of every reasonable theory which invests mere circumstances with the force of truth. Where the evidence leaves it indifferent which of several theories is true, or establishes only some definite probability in favor of one theory, such evidence cannot amount to proof however great the probability may be, Although the jury may believe from the evidence of this case that there is a strong probability that the accused is guilty of the offense charged in the indictment, still, if upon the whole evidence, there is any other reasonable theory consistent with his innocence, they cannot find the accused guilty; and this is true although it may appear from the evidence that the probabilities of his guilt are greater than the probabilities of his innocence.

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The court instructs the jury that in the application of circumstantial evidence to the determination of the case, the utmost caution and vigilance should be used. In all cases of circumstantial evidence, the time, place, means, opportunity, motive and conduct or each of these facts as may be proved with other facts, if any, must all concur in pointing out the accused beyond all reasonable doubt as the guilty agent. Such evidence is always insufficient where, assuming all to be true which the evidence tends to prove, some other reasonable theory may still be true, for it is the actual exclusion of every reasonable theory which invests mere circumstances with the force of truth. Where the evidence leaves it indifferent which of several theories is true, or establishes only some definite probability in favor of one theory, such evidence cannot amount to proof however great the probability may be. Although the jury may believe from the evidence of this case that there is a strong probability that the accused is guilty of the offense charged in the indictment, still, if upon the whole evidence, there is any other reasonable theory consistent with his innocence, they cannot find the accused guilty; and this is true although it may appear from the evidence that the probabilities of his guilt are greater than the probabilities of his innocence.

Com
v
Long
1888

Instruction No. 2

The jury are instructed that circumstantial evidence is legal and competent and a conviction may be had on such evidence. This instruction must be read in conjuction with the other instructions given, especially instruction B

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA. 7/9/37

IN THE MATTER OF JOHN D. LONG, CONVICT.

After investigation the Court declares it has reasonable grounds to doubt the mentality of the said John D. Long, and it is ordered that C. E. Conrad and J. L. Wright, qualified physicians, be, and they are, hereby appointed a commission to make such investigation as they may deem necessary and proper and report to the Court the condition of the defendant at the time of their examination and in their opinion at the time of commission of the offense of which he stands convicted by verdict of the jury, and shall return with their report a history of his case as provided in the investigation of one charged with being insane or feebleminded; and said commission is requested to sit as early as convenient.

A COPY.

ATTESTE: _____, Clerk.

6/178

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

IN THE MATTER OF JOHN D. LONG, CONVICT.

After investigation the Court declares it has reasonable grounds to doubt the mentality of the said John D. Long, and it is ordered that C. E. Conrad and J. L. Wright, qualified physicians, be, and they are, hereby appointed a commission to make such investigation as they may deem necessary and proper and report to the Court the condition of the defendant at the time of their examination and in their opinion at the time of commission of the offense of which he stands convicted by verdict of the Jury, and shall return with their report a psychic of his case as provided in the investigation of one charged with being insane or imbecile; and said commission is directed to act as early as convenient.

A COPY.

VIRGINIA: _____, Clerk.

Harrisonburg, Va.
July 13, 1937

Hon. H. W. Bertram
Judge of the Circuit Court of Rockingham County

We, your Commission appointed to investigate the sanity of John D. Long, convicted of attempted murder, do beg to report as follows:

We called several responsible witnesses, who were not related to the prisoner, who testified that they had known the prisoner for many years, that as a young man he was above the average in intelligence, hard working, shrewd and aggressive, but that since the onset of epilepsy some fifteen or twenty years ago his entire character had changed, he became listless, stupid and moody, would not work and that he was of unsound mind and at times was not responsible for his acts.

Dr. Ashby Turner testified that as a young man he was above the average in intelligence, but since having epilepsy for several years, he was of unsound mind and was irresponsible.

Charles Estep, Commissioner of Revenue, testified that he had known him for years and that it is his opinion he is of unsound mind, and that at times he is not responsible for his acts.

On examination while answering all questions, he was listless, unconcerned, and gave the impression that his many attacks of epilepsy covering many years, in addition to stupefying drugs taken over this period of time, produced a deterioration of mind that would render sane judgment impossible, and that we believe that the said John D. Long is insane and should be committed to an asylum for the criminal insane.

Respectfully,

Howard Armstrong M.D.

J. L. Wright M. D.

Vendors Report

april 6
May 31
June 30
July 16
83

# Prisoners Report of Rockingham County Jail

Month of April 24 193 7

Name John D Long Date Committed

Male yes Female Age 34 Race w Single Married yes Divorced

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

Physical Condition Is Person a Drunkard? or Drug Victim?

Can Read? yes Write? yes Occupation Labor Offense Committed Investigation

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 May 11 on bail

## 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 Jailer

Sheriff

# Prisoners Report of Rockingham County Jail

Month of ..... 193..

Name ..... Date Committed .....

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

Place of Birth ..... Foreign Born ..... Time in U. S. ..... Years ..... Months .....

Physical Condition ..... Is Person a Drunkard? ..... or Drug Victim? .....

Can Read? ..... Write? ..... Occupation ..... Offense 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 Jailer .....

Sheriff .....

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PUBLIC WELFARE

# Southwestern State Hospital

SUPERINTENDENT'S OFFICE

MARION, VA.

INQUIRIES RELATIVE TO PATIENTS MUST CONTAIN POSTAGE FOR REPLY

June 13, 1938.

Hon. H. W. Bertram, Judge,
Circuit Court of Rockingham County,
Harrisonburg, Virginia.

Sir:

I beg to submit a report concerning the mental condition of John D. Long who was committed to the Department for Criminal Insane at Southwestern State Hospital on July 16, 1937, having been convicted for a felony.

According to the history this man began to have epilepsy as manifested by convulsions about 1920 and these convulsions have continued at irregular intervals up until the present time. As a part of this disease, epilepsy, he has shown changes in personality and deterioration. It is my opinion that at the present time he is insane.

Respectfully,

Joseph R. Blalock.
Joseph R. Blalock, M. D.
Superintendent.

JRB/c

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PUBLIC WELFARE
# Southwestern State Hospital
SUPERINTENDENT'S OFFICE

MARION, VA.

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

INQUIRIES RELATIVE TO PATIENTS MUST CONTAIN POSTAGE FOR REPLY

June 12, 1939.

Hon. H. W. Bertram, Judge,
Circuit Court of Rockingham County,
Harrisonburg, Virginia.

Sir:

I beg to submit a report concerning the mental condition of John D. Long who was committed to the Department for Criminal Insane at Southwestern State Hospital on July 24, 1937, having been convicted for a felony.

According to the history this man began to have epilepsy as manifested by convulsions about 1920 and these convulsions have continued at intervals up until the present time. [illegible] personality deterioration. It is my opinion that at the present time he is insane.

Respectfully,

Joseph R. Blalock

Joseph R. Blalock, M. D.
Superintendent.

JRB/c

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

L. H. HUBBLE,
STEWARD

COMMONWEALTH OF VIRGINIA
STATE HOSPITAL BOARD
OFFICE OF

**SOUTHWESTERN STATE HOSPITAL**
MARION, VA.

November 28, 1941

Hon. H. W. Bertram, Judge
Circuit Court of Rockingham County
Harrisonburg, Virginia

RE: John D. Long

Dear Judge Bertram:

At the request of relatives and other interested parties, I am submitting the following resume of the case of John D. Long together with certain other statements and opinions.

At the June term, 1937, of the Circuit Court of Rockingham County, John D. Long was indicted for a felony. At the same term of the Circuit Court he was tried and found guilty on this indictment (malicious shooting). His punishment was fixed at five years and six months in the Penitentiary. Before sentence was passed, the court declared reasonable grounds to doubt the mentality of the said John D. Long and ordered his examination by a commission of two qualified physicians. The two physicians were Howard Armstrong, M. D. and J. L. Wright, M. D. After examination and complete investigation these two physicians expressed an opinion to the court that John D. Long "is insane and should be committed to an asylum for the criminal insane". On the basis of this finding and report the court ordered "that the said John D. Long be, and he is hereby committed to the Department for the Criminal Insane in the Southwestern State Hospital at Marion, Virginia, there to be kept as provided by law." On this order issued June 21, 1937, John D. Long, was admitted to the Criminal Insane Department of the Southwestern State Hospital at Marion, Virginia on July 25, 1937. He has been continuously confined in that Department since that date.

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

L. H. HUBBELL
STEWARD

COMMONWEALTH OF VIRGINIA
STATE HOSPITAL BOARD
OFFICE OF
SOUTHWESTERN STATE HOSPITAL
MARION, VA.

November 28, 1941

Hon. H. W. Bertram, Judge
Circuit Court of Rockingham County
Harrisonburg, Virginia

Re: John D. Long

Dear Judge Bertram:

At the request of relatives and other interested parties, I am submitting the following records of the case of John D. Long, together with certain other statements and opinions.

At the June term, 1937, of the Circuit Court of Rockingham County, John D. Long was indicted for a felony. At the same term of the Circuit Court he was tried and found guilty on this indictment (malicious shooting). His punishment was fixed at five years and six months in the Penitentiary. Before sentence was passed, the court declared reasonable grounds to doubt the mentality of the said John D. Long and ordered his examination by a commission of two qualified physicians. The two physicians were Howard Armstrong, M. D. and I. L. Wright, M. D. After examination and consulting interview of these two physicians, the court ordered John D. Long "that he be committed to the Criminal Insane Asylum, and that he be kept there until he shall be adjudged by the superintendent of said asylum to be sane, and then be returned to this court to be dealt with according to law, and that he be committed to the Criminal Insane Asylum". On the basis of this finding and report the court ordered "that the said John D. Long be, and he is hereby committed to the Department for the Criminal Insane in the Southwestern State Hospital at Marion, Virginia, there to be kept as provided by law." On this order issued June 21, 1937, John D. Long was delivered to the Criminal Insane Department of the Southwestern State Hospital at Marion, Virginia on July 2, 1937. He has been continuously confined in that Department since that date.

As the result of our examinations, continuous observation, and collected history, we have determined that John D. Long has been suffering from convulsive disorder (epilepsy) for a period of more than 20 years.

It is our opinion that Mr. Long is showing considerable intellectual deterioration because of repeated convulsive seizures. A psychometric examination done in April, 1940, showed him to have an intelligence quotient of 94. This level of intelligence is within the realm of normal but it is our opinion that at one time Mr. Long had a higher intellectual level than that indicated. He continues to have convulsive seizures, both mild and severe. Preceeding and following a seizure he has periods of confusion of varying duration and degree. During periods between convulsive seizures and their accompanying phenomena Mr. Long is mentally clear.

In this Hospital he gets along satisfactorily and is able to live on one of the quieter wards of the Criminal Insane Department. Although Mr. Long is still an epileptic and is showing some intellectual deterioration, we would be willing to release him on parole to the care and custody of his relatives after being assured by them that they would give him careful and adequate supervision in order to prevent him injuring himself during a convulsion, if we were authorized to do so by the court. We would prefer to leave his final discharge from the order of commitment to a further order of the court.

Very truly yours,

Joseph R. Blalock.

Joseph R. Blalock, M. D.
Superintendent

JEB:ME

Not safe — Gilbert Long — Heard all right.

Tom Hoffman — heard all right. Saw her, +

Rich P. Hussey — Heard all right.

Rich. — at Bingamans with Boggs

— Dr Long Accept — Bandy.

Ulmement. Tom Hoffman. Said he would have accepted to Long.

Fair to her

Home =

Bunchers with

Hammer & anvil.

Shetting Skull. of the Skull.

In Store, Jordan with her. in Store.

Shooting & Death Horse.

said what they
wood get when
you close your
eye. what do you
think Lizzy wood
think if she
could come back
and see how you
or treating her
only child.
Jake I though
you was more
of an man than
that. I will not
sine my name
as I there has
ben troble enuf

Dayton Va
April 1, 36

Brother Jake I am suprised at the way you are carrying on. Your wife has got a son about 20 years old & she has got rid of two other. Jake I thought you thought more of your than that. I here she said ~~you~~ she was going to marry you for your money and some of her people has allredy

(over)

Mr Hammer here is the letter
I was telling you about last fall
when we had our will wrote up
It is about my character I want
you to ask Stella Long what she
knows about what this letter
I'm sending you, says about me
Dont let her know you got the
letter but I want you to get her
to tell what kind of a character
I have as she has been telling
people how low down I am.
I wish I was able to come
in and talk to you,

Mrs J. F. Kiser

Bennett
vs
Long

Lena Huffman —

I live about 200 yds from Mr Kiser. Heard shots between 8 30 & ten. I was afraid man that did that shooting would do more.

John Long has never been to Kiser's home since they've been married were mad over the will.

Boyd Huffman

Saw track at both windows. Hit one & then other.

Saw that Johns feet were still wet.

Mary L. Hawdyshell

Helped take Mrs. Kiser to Hospital

The Commonwealth of Virginia, } To-wit
Rockingham County,

To the Sheriff of Said County:

Whereas, J. F. Kiser of said County, has this day made complaint and information on oath before me, Harry Lee Bryan, Clerk T. J. Court (T. J. or J. P.) of the said County, that John D. Long of the said County, on the 23rd day of April, 1937, in the said County, did unlawfully and feloniously shoot one Lucy Kiser with a deadly weapon, with intent to maim, disfigure, disable, or kill the said Lucy Kiser, 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 D. Long to answer the said complaint and to be further dealt with according to law.

Given under my hand, this 24th day of April, 1937.

Harry Lee Bryan
Clerk T. J. Court
T. J. or J. P.

**Memo. of Commonwealth Witnesses:**

| Name | | Address | |
|---|---|---|---|
| ~~R. P. Hussey~~ | J.F. Kiser | ~~Bridgewater, Virginia~~ | RFD |
| ~~Gilbert Long~~ | Pearl Hussey | " " | " |
| ~~Tom Huffman~~ | D.H. Radford | Dayton, Virginia | " |
| ~~Ashby Curry~~ | J.W. Bazzle | | |
| ~~Jennie Huffman~~ | E.E. Kiser | | |
| ~~Virgil Hommel~~ | Rodney Howdyshell | | |

# JUDGMENT

May 18/37

Upon the examination of the within charge, I find ~~the accused~~ sufficient evidence to hold accused to court & answer any indictment the grand jury may return against him

| | |
|---|---|
| Fine | $ |
| Issuing Justice's Fee | $ 1.00 |
| Clerk's Fee | $ 1.25 |
| Trial Justice Fee | $ 2.00 |
| Arrest | $ 7.50 |
| Summoning Witness | $ 3.00 |
| Witness Attendance & Mileage | $ 8.50 |
| Commonwealth's Attorney | $ 5.00 |
| Jail Fees | $ |
| Total | $ 28.25 |

Hamilton Haas
Trial Justice

Set for Trial
Thurs. May 18/37 @ 11^00

Trial Justice Court

Criminal Docket No. 1779

Commonwealth

vs. { Arrest Warrant

John D. Long

Executed the within warrant by arresting and delivering the body of

John D Long

~~before~~ to Jail

this 23 day of

April, 1937

H. W. Baggle S.R.C.

Mi 50
Pris 25
75
8
6.00
1.50
7.50

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

I, Hamilton Haas and Geo. D. Foster, in and for the County of Rockingham, State of Virginia, do hereby certify that John D. Long and Geo. D. Foster have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of One Thousand (1000.00) 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 John D. Long shall appear before the Trial Justice Court of Rockingham County at Harrisonburg, on the 18th day of May, 1937, at 11:00 a.m. 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 11th day of May, 1937.

Hamilton Haas
T. J. or J. P. or Bail Commissioner

Com. v. John D. Long 5/18/37 at 11 o'clock

Witnesses:

| | | |
|---|---|---|
| 1. J. F. Kiser | 15 | 1.50 |
| 2. Lucy Kiser | — | |
| 3. E. E. Kiser | — | |
| 4. J. W. Bazzle | — | |
| 5. D. H. Rodford | 25 | 2.50 |
| 6. E. S. Jones | 15 | 1.50 |
| 7. Rodney Howdyshell | 15 | 1.50 |
| 8. Pearl Hussey | 15 | 1.50 |
| | | 8.50 |

Columbia Phonograph

2 3

92 93

9 10

99 100

7

**Commonwealth of Virginia:**

**County of Rockingham, to-wit:**

**To the Sheriff of said County, Greeting:**

You are hereby commanded, in the name of the Commonwealth of Virginia, to summon J. F. Kiser, Lucy Kiser, R. H. Radford, Pearl Hussey, E. S. Jarvis, & Rodney Howdyshell,

to appear before the Trial Justice Court of said County, sitting at Harrisonburg, Va., in said County, on 18 day of May, 1937, at the hour of 11:00 a.m., of that day to give evidence in behalf of Commonwealth

in the pending case of Commonwealth

v. John W. Long

Given under my hand this 15 day of May, 1937

Harry Lee Bryan,
Clerk

Trial Justice Court

C Docket No. 1779

Commonwealth

v. } Witness Subpoena

John W. Long

May 15, 1937 Delivered True Copy
Pearl Hussey, J. P. Kingsley
and Rodney Hodgehill.
D. H. Davis D.S.
for F. W. Bagby S.R.C.

EXECUTED May 17 1937
as to D. H. Hodgehill

by delivering a copy of the within summons
to ..... in person
D. H. Hodgehill Dept.
F. W. Bagby S.A.C.

**Commonwealth of Virginia:**

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

*You are hereby commanded to summon* J. F. Kiser, Paul Hussey, D H Radford, J W Bazzle, E E Kiser & Rodney Handyshell

*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* 21st *day of* June 19 37, *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY* v. John D. Long

*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* 16th *day of* June 19 37, *and in the* 161st *year of the Commonwealth.*

J Robert Switzer, *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA.

Com'
v.

John D. Long

Executed.
Thus 18 day of June 37
J. D. Long D.S.
Augusta Co

1937
June 21

**Commonwealth of Virginia:**

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

*You are hereby commanded to summon* J. F. Kiser, Earl Hussey, D. H. Radford, J. W. Bazzle, E. E. Kiser, & Rodney Handyshell

*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* 21st *day of* June 19 37, *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY* John D. Long

*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* 16th *day of* June 19 37, *and in the* 161st *year of the Commonwealth.*

J. Robert Switzer *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA.

Not finding Rodney Howdyshell at his usual place of abode, Executed June 18 1937 by delivering a true copy of this summons to Mrs R W Howdyshell Her Mother in person, at said Rodney Howdyshell usual place of abode Mrs R W Howdyshell being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D A Davis Deputy
J M Bagby S R C.

Com
Geo D Long
1937
June 21

Executed June 18, 1937 by delivering a true copy of the within summon to E. Lim
Y Hiam Floyd Hunt
Chas. H Cal Bagby
A A Smith Deputy
Sheriff Wilkes Co
each in person.

## In the Name of the Commonwealth of Virginia:

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

*You are hereby commanded to summon* Mrs. R. N. Handyshell,

Sam Groggs, & Dr. Foster

*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* 6th *day of* July 1937, *to testify and the truth to say in behalf of the Commonwealth against*

Jno. D. Lang

*who stands charged with and indicted for 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* 3d *day of* July 1937, *and in the* 161st *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

Massanetta Paper Co. Print FORM NO. 457

Executed July 3rd 1937 by delivering a true copy of the within summons to Mrs.R.W.Howdyshell and Cam Groggs each in person.

----------Deputy for J.W.Bazzle,S.R.C.

Not finding Dr.Foster at his usual place of abode nor any member of his family upon whome service could executed July 3rd 1937 by postingiagatrue copy of the within summons upon the front door of his usual place of abode and leaveing same posted there

----------Deputy for J.W.Bazzle,S.R.C.

Cam

Geo. D. Long

1937

July 6

**In the Name of the Commonwealth of Virginia:**

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

*You are hereby commanded to summon* J. F. Kiser, Lucy Kiser, Noel Hussey, ~~R. H. Rodgers~~, J. W. Bowyer, E. E. Kiser, Rodney Hawkswell, J. B. Houdyshell, R. P. Hussey, Gilbert Long, Thomas Huffman, Virgil Hummel & E. L. Jarvis

*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* 6th *day of* July 19 37, *to testify and the truth to say in behalf of the Commonwealth against* John D. Long

*who stands charged with and indicted for 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* 29th *day of* June 19 37, *and in the* 161st *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

Massanetta Paper Co. Print FORM NO. 457

Not found R P Hussey at his usual place of abode, Executed July 2 1937 by delivering a true copy of this Summons to Mary Hussey his wife in person, at said R P Hussey usual place of abode Mary Hussey being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D R Davis Dep for J W Bagle S R C

J B Howdyshell Mad Ford

Austin Dry Barlowe

July 2 1937. D R Davis

For J W. Bagle S.R.C.

July 6 1937

Executed July 2 1937 by delivering a true copy of the within summon to J R Kiser Levy Kiser Pearl Hussey, J W. Bagle E E Kiser, Rodney Howdyshell Gilbert Long, Thomas Huffman Virgil Hummel, E L Fannin, each in person.

D R Davis D.S

For J. W. Bagle S.R.C.

## In the Name of the Commonwealth of Virginia:

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

*You are hereby commanded to summon* Mrs. Lucy Kiser, (Mrs. J. F.) Virgil Hummel, Ed Curry, Earl Minnick, L. H. Hensley

*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* 6th *day of* July 1937 *to testify and the truth to say in* **behalf of the Defendant** *in the prosecution of the Commonwealth against* John D. Long

*who stands charged with and indicted for 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* 3d *day of* July 1937, *and in the* 161st *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

Massanetta Paper Co. Print FORM NO. 5

Executed July 3rd 1937 by delivering a true copy of the within summons to Mrs. Lucy Kiser, Virgil Hummel, and Ed Curryand Delivering to each$I.50 for Court Attendence.

D. R. Davis ----------Deputy for J.W.Bazzle,S.R.C.

Not finding Earl Hummel at his usual place of abode, Executed July 3 1937 by delivering a true copy of this Summons to Virgil Hummel Step-Father 8 yrs Earl Hummel in person, at said usual place of abode Virgil Hummel being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D R Davis Dep for J W Bazzle S.R.C.

Geo. D. Long
Sales
Com
Mrs. Lucy Kiser
Virgil Hummel
Ed Curry
Earl Hummel
J. H. Hensley
$1.50
$1.50
$1.50
Sheriff
1937
July 6
S.R.C.

Not finding J. B. Hensley at his usual place of abode, Executed July 3 1937 by delivering a true copy of this ~~J. B. Hensley~~ to J. B. Hensley Step Father 8 yrs 29 Hensley in person, at said usual place of abode J. B. Hensley being a member of his family above the age of 16 years, and explaining the purport thereof to her.

A R Burke Dep for J W Bazzle S.R.C.

SOUTHWESTERN STATE HOSPITAL
MARION, VA.

MARION
NOV 29
8 30PM
1941
VA.


Hon. H. W. Bertram, Judge
Circuit Court of Rockingham
Harrisonburg, Virginia

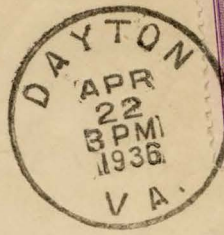
4909

Kerr Dorsch
vs
Lang & Johns

Pending #6918

AFTER FIVE DAYS RETURN TO
HAMMER & HAMMER
ATTORNEYS AND COUNSELORS-AT-LAW
ROOMS 204-205
THE FIRST NATIONAL BANK BUILDING
HARRISONBURG, VA.

Kerr's letters
delivered to
D. U. Earman





Mr Jake Kuser
Clayton
Va

After 5 days, return to
DRAWER 670,
MARION, VA.

Filed in the Clerk's Office
Rockingham County, Va.
JUN 16 1938
J. Lurkhuntyn Clerk

MARION
JUN 14
8 30 PM
1938
VA.

UNITED STATES POSTAGE
3 CENTS 3

Hon. H. W. Bertram, Judge,
Circuit Court of Rockingham County,
Harrisonburg, Va.

# TRIAL JUSTICE COURT

Criminal DOCKET NO. 1779

Commonwealth

V.)

John D. Long

5/18/37

Grand Jury