

*Handwritten notes at the top of the page, including the name 'W. E. Lucas' and some illegible text.*

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, 1923, upon their oaths, do present that C. J. Begoon and Callie Rodeffer within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully manufacture, sell, offer, keep, store and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. E. Lucas, George W. Hickel, Ernest Hickel, Robert Davis, and G. W. Shifflett, witnesses sworn in court and sent before the grand jury to give evidence.

We the jury find the accused, C. J. Begoon & Callie Rodeffer guilty as charged in their indictment and we do certain the punishment of, C. J. Begoon at confinement in jail for one month and a fine of \$100.00 and we ascertain the punishment of said Callie Rodeffer at sixty days in jail and a fine of \$700.00.

H. S. Burman, Foreman.

COMMONWEALTH OF VIRGINIA

Viol. Pro. Act.

Commonwealth

v.  
C. J. Begoon and  
Callie Rodeffer

A Misdemeanor

A True Bill

G. B. Eastman  
Foreman

D. W. Earman,  
Commonwealth's Attorney.

C. W. Shifflett, witness sworn in court and sent before the Grand Jury to give evidence.

*Page*

Instruction No. \_\_\_\_\_

The Court instructs the jury that the evidence introduced in this cause with respect to the defendants drinking ardent spirits in a public place and with respect to their colliding with the horses of Geo.W.Hickle and Ernest Hickle, failing to stop, return to the place of accident, etc., as provided by Chapter 407 of the Acts of Assembly 1922, can only be considered in this case only so far as the same throws light upon the question of whether the said defendants are guilty of the transportation of ardent spirits, and for no other ~~purpose~~ *purpose*.

107

Instruction No.

The Court instructs the jury that the evidence introduced in this case with respect to the defendants drinking ardent spirits in a public place and with respect to their colliding with the horses of one Hildesheim, failing to stop, return to the place of accident, as provided by Chapter 407 of the Acts of Assembly 1882, can only determine in this case only so far as the same throws light upon the question whether the said defendants are guilty of the violation of ardent spirits, and for no other purpose.

Com

E. J. Besore &  
Collier & Puffer

Justices of the Peace  
for the County of ...

*Cm vs Byron & Rodolfo*

INSTRUCTION NO. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

*Case of John ...*

INSTRUCTION NO. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond a reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the mind of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

INSTRUCTION No. 2

The Court instructs the jury that the credibility of the witnesses is a question exclusively for the jury; and the law is that, where witnesses testify in conflict or contradiction of each other, the jury is not bound to regard the evidence as equally balanced, but it is the duty of the jurors to judge the evidence for themselves and to give such weight to the testimony of the different witnesses as under all the circumstances they think them entitled to.

INSTRUCTION NO. 3

The jury is to determine the truth and the credibility of the evidence in a question exclusively for the jury; and the law is to be applied to the facts as found. Where there is a conflict of evidence, the jury is to weigh the evidence as to each other, the jury is not bound to regard the evidence as equally balanced, but it is the duty of the jury to judge the evidence for themselves and to give such weight to the testimony of the different witnesses as under all the circumstances they think them entitled to.



*Ref*

INSTRUCTION NO. \_\_\_\_.

The Court instructs the jury that where the prosecution relies upon circumstantial evidence alone for a conviction the jury must be satisfied beyond a reasonable doubt that the crime has been committed by some one in manner and form as charged in the indictment and then they must not only be satisfied that all the circumstances proved are consistent with the defendants having committed the act but they must also be satisfied that the facts ~~defendants~~ are such as to be inconsistent with any other rational conclusion than that the defendants are the guilty persons. If there is any one single fact proved to the satisfaction of the jury by a preponderance of the evidence which is inconsistent with the defendants' guilt, this is sufficient to raise a reasonable doubt, and the jury should acquit the defendants. In order to justify the inference of legal guilt from circumstantial evidence the existence of inculpatory facts must be absolutely incompatible with the innocence of the accused upon any rational theory and incapable of explanation upon any other reasonable hypothesis than that of their guilt.

*Copy*

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that where the prosecution relies upon circumstantial evidence alone for a conviction the jury must be satisfied beyond a reasonable doubt that the crime has been committed by some one in manner and form as charged in the indictment and then they must not only be satisfied that all the circumstances proved are consistent with the defendant having committed the act but they must also be satisfied that the facts ~~circumstances~~ are such as to be inconsistent with any other rational conclusion than that the defendant are the guilty persons. If there is any one single fact proved to the satisfaction of the jury by a preponderance of the evidence which is inconsistent with the defendant's guilt, this is sufficient to raise a reasonable doubt and the jury should acquit the defendant. In order to justify the inference of legal guilt from circumstantial evidence the existence of inconspicuous facts must be absolutely incompatible with the innocence of the accused upon any rational theory and incapable of explanation upon any other reasonable hypothesis than that of their guilt.

Corn.

vs -

C. J. Bigoon & ballie  
Rodiffer -

---

Jury

---

Jno. H. Rolston - ✓

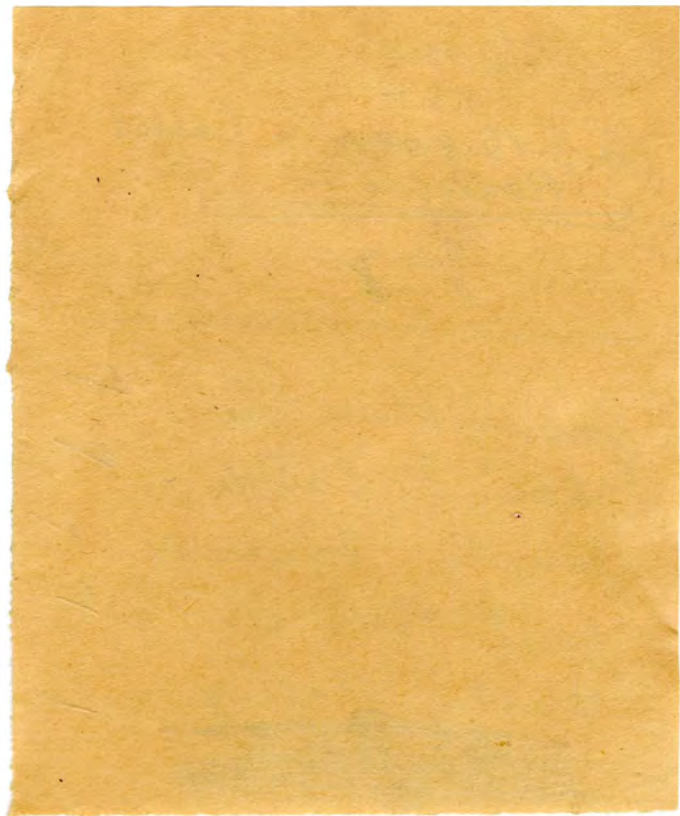
Chas. E. Estes - ✓

Jno. R. Trumbo - ✓

W. S. Burner - ✓

Luther Waller - ✓

~~W. J. W.~~



INSTRUCTION NO. 2.

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify the verdict of guilty unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused beyond all reasonable doubt;

INSTRUCTION NO. 5

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify the verdict of guilty unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused beyond all reasonable doubt.

and, unless the jury believe from  
the evidence that each and every circumstance essential to the con-  
viction of the accused has been made out and established beyond a  
reasonable doubt, then the accused should be acquitted.

This part of the instruction adds nothing  
to the earlier part except confusion & is  
therefore superfluous.

and, unless the jury believe from  
the evidence that each and every circumstance essential to the con-  
-viction of the accused has been made out and established beyond a  
reasonable doubt, then the accused should be acquitted.

This part of the indictment shall not be  
returned unless the jury are satisfied  
that the facts are proved beyond a reasonable doubt.



*This whole instruction covered  
by substituted form*

INSTRUCTION NO. \_\_\_\_\_.

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt.

*John White Washington Case  
by Robert L. Fisher*

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt.

and this  
presumption of innocence goes with the prisoner through the entire  
case and applies to every stage thereof.

The latter part of this resolution  
is either repetition or misleading

and this

presumption of innocence goes with the prisoner through the entire

case and applies to every stage thereof.

The latter part of the indictment  
is either repetition or misdirection

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

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

You are hereby commanded to summon

W. E. Lucas, Geo. W. Hickle, Ernest Hickle,  
Robert Davis, H. W. Shufflett, Alfred Sellers,  
Clarence Hensley, Gilbert Davis, C. L.  
Wadwick, E. B. Gilson, Jerry T. Long,  
Frank Pikey, Ernest Hawkins,  
J. Dessen & John B. Good.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court  
House thereof, at 10 o'clock, a. m., on the 19 day of April 1923,  
to testify and the truth to say in behalf of the Commonwealth against

C. J. Begous  
who stands charged with and indicted for a felony—misdemeanor.

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

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the  
16 day of April, 1923 and in the 14<sup>7</sup>th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed by delivering to W.E. Lucas Geo. W. Hickle, Ernest Hickle Robt Davis G?W?Shifflett Alfred Sellars Clarence Hensley Gilbert Davis C.L. Hedrick E.P. Gilson Jerry L. Long Frank Pirkey Ernest Hawkins in person with a copy of the within summon this the 17 day of April 1923

*W.E. Lucas*

Deputy for

W.L. Dillard Sheriff Rockingham Co., Va.

*Commonwealth*

*C. J. Ferguson & Co.*

*15 wit 13-638  
WLD 2 100*

**750**

*April 19 1923.*

*Executed as to the Sheriff & Geo Dillard  
Each with a copy of a summons  
Sho the 17 day of April 1923  
WLD at Rockingham*

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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*J. C. Johnston*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10 o'clock~~<sup>fourth</sup> ~~o'clock~~, a. m., on the *19<sup>th</sup>* day of *April* 19*23*, to testify and the truth to say in behalf of the Commonwealth against.....

*C. J. Begoon*  
who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *19* day of *April*, 19*23*, and in the *14<sup>th</sup>* year of the Commonwealth.

*J. F. Blackburn*, Clerk.





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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*W. C. Lucas, Geo. W. Heikel, Ernest  
Heikel, Robert Davis, H. W. Shifflett*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court  
House, at 10 o'clock, a.m., on the *19<sup>th</sup>* day of *Feb* 19*23*,  
to testify and the truth to say in behalf of Commonwealth before the Grand Jury

*C. J. Beggs*

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

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the  
*13* day of *Feb*, 19*23*, and in the *14<sup>7</sup>* year of the Commonwealth.

*J. F. Blackburn*, Clerk.

Executed by delivering to W.F. Lucas. <sup>Receipt</sup> Geo. C. ~~Hickel~~  
Earnest ~~Hickel~~ Robert Davis G.W. Davis in person  
with a copy of the within summon this the 14 day  
of Feb. 1923

*W. E. Lucas* deputy for  
W. L. Lillard Sheriff Rockingham Co., Va.

*Wm*

*O. J. Bergeson*

*W. E. Lucas. J.*

RECEIVED FEB 25 1923

*Feb 19 - 1923*

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

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

You are hereby commanded to summon.....

*Geo W. Nickel, Ernest D. Nickel,  
Alfred Sellers, Clarence Hensley,  
W. E. Lucas, Robert Davis, G. W.  
Shufflett, John Sipe and Gilbert Davis*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the *28* day of *Feb.* 19....., to testify and the truth to say in behalf of the Commonwealth against.....

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the day of....., 19....., and in the 14.....th year of the Commonwealth.

*J. F. Blackburn*, Clerk.

Presented by delivery to Geo. Kiebel, Sheriff  
D. Kiebel, Alfred Seiland, Attorney, Humboldt  
Miss. Lane Peter Davis, G.D. ~~Smith~~ H. Q. Lane  
like's Ethel Davison's person under a  
copy of the within summons this is the  
26 day of Feb. 1923  
J. L. Holland Sheriff for Kingham Co., Va

Commonwealth

v  
C. J. Begover & c

SHERIFF FEE \$ 4.50

Feb. 1923.

STATE NORMAL SCHOOL

HARRISONBURG, VA.

CHEMICAL LABORATORY

REPORT OF ANALYSIS

THE SAMPLE OF ..... SUBMITTED BY .....  
..... FOR THE DETERMINATION  
OF ..... SHOWS THE  
FOLLOWING ANALYSIS:

To J. F. Blackburn Clerk of the  
Court of Rockingham County  
Commonwealth vs. C. J. Bayou  
and Callie Rodolff  
To Analysis of Benzene (4 Samples) - - \$14.00

REMARKS:

I HEREBY CERTIFY THAT THE FOREGOING ANALYSIS IS CORRECT TO  
THE BEST OF MY KNOWLEDGE.

DATE Feb 23, 1923

James C. Johnston  
ANALYST

STATE NORMAL SCHOOL  
HARRISONBURG, VA  
CHEMICAL LABORATORY  
REPORT OF ANALYSIS

SUBMITTED BY

THE SAMPLE OF

SHOWS THE

FOLLOWING ANALYSIS:

To the Dept of Chem (H. B. H.) - 4/14/22  
Garrisonville or C. F. Brown  
Cont of Washington Cont  
Prof. F. M. L. Chem Dept of the

REMARKS

I HEREBY CERTIFY THAT THE FOREGOING ANALYSIS IS CORRECT TO THE BEST OF MY KNOWLEDGE

ANALYST  
John C. ...  
1922

We the jurors in the case of  
the Commonwealth against C. J. Begoon  
and Callie Rodeffer find the defendants  
guilty and fix their punishment  
as follows.

C. J. Begoon	30 days <sup>in</sup> jail.	\$100 <sup>00</sup> fine
Callie Rodeffer	60 " " "	\$200 <sup>00</sup> "

H. S. Burner, Foreman.

The the favor in the case of  
the Court in the case of  
and the Court in the case of  
the Court in the case of

1000  
1000  
1000  
1000

1000  
1000  
1000



*Sufficiently Covered  
by other instructions*

INSTRUCTION NO. \_\_\_\_\_.

The Court instructs the jury that the burden is upon the Commonwealth to prove every fact or circumstance necessary to convict the accused of any offence whatever, and feeling any reasonable doubt as to any fact or circumstances necessary to convict the accused as aforesaid, they are bound to give them the benefit of such doubt and find them not guilty, and the Court tells the jury that a reasonable doubt is "that state of the case which after the entire comparison and consideration of all of the evidence leaves the minds of the jurors in that condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge."

*Amplified Copy  
of the original*

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that the burden is upon the  
Commonwealth to prove every fact or circumstance necessary to  
convict the accused of any offense whatever, and feeling any  
reasonable doubt as to any fact or circumstance necessary to con-  
vict the accused as aforesaid, they are bound to give them the  
benefit of such doubt and find them not guilty, and the Court tells  
the jury that a reasonable doubt is "that state of the case which  
after the entire comparison and consideration of all of the evi-  
dence leaves the minds of the jurors in that condition that they  
cannot say that they feel an abiding conviction to a moral certainty  
of the truth of the charge."

*Ref*

INSTRUCTION NO. \_\_\_\_\_.

The jury are instructed that in all cases when the proof is 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 in pointing out the accused beyond reasonable doubt as the guilty agents.

10/10

INSTRUCTION NO. \_\_\_\_\_

The jury are instructed that in all cases when the  
proof is 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 in pointing out  
the accused beyond reasonable doubt as the guilty agent.

*Page*

INSTRUCTION NO. \_\_\_\_\_.

The Court instructs the jury that to warrant the conviction of persons accused of crime every fact necessary to establish his guilt must be proved beyond a reasonable doubt, and especially is this so when as here a conviction is sought upon circumstantial evidence alone, which is always to be acted upon with the utmost caution. It is not sufficient, therefore, that evidence creates a suspicion of guilt. The accused are entitled to an acquittal unless the fact of guilt is proved to the actual exclusion of every reasonable hypothesis of their innocence.

107

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that to warrant the conviction of persons accused of crime every fact necessary to establish guilt must be proved beyond a reasonable doubt, and especially in this case when as here a conviction is sought upon circumstantial evidence alone, which is always to be acted upon with the utmost caution. It is not sufficient, therefore, that evidence creates a suspicion of guilt. The accused are entitled to an acquittal unless the fact of guilt is proved to the actual exclusion of every reasonable hypothesis of their innocence.

Ref.

INSTRUCTION NO. \_\_\_\_\_.

The Court further instructs the jury that circumstances of suspicion, no matter how grave or strong, are not proof of guilt and that the accused must be found not guilty unless the fact of their guilt is proved beyond every reasonable doubt to the actual exclusion of every reasonable hypothesis of their innocence consistent with the facts proven.

Revised under authority of Dean  
vs Com - 32 Gr.

Mr.

INSTRUCTION NO. \_\_\_\_\_

The Court further instructs the jury that circumstances of suspicion, no matter how grave or strong, are not proof of guilt and that the accused must be found not guilty unless the fact of their guilt is proved beyond every reasonable doubt to the actual exclusion of every reasonable hypothesis of their innocence consistent with the facts proven.

Prepared under authority of  
the Court - 35 211  
D. Brown



Ref-

INSTRUCTION NO. \_\_\_\_\_.

The Court instructs the jury that the absence of all evidence of an inducing cause or motive to commit the crime, when the fact is in reasonable doubt as to who committed it affords a strong presumption of innocence.

10/10  
INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that the absence of all  
evidence of an inducing cause or motive to commit the crime,  
when the fact is in reasonable doubt as to who committed it  
creates a strong presumption of innocence.

Rego

INSTRUCTION NO. \_\_\_\_\_.

The Court instructs the jury that in criminal trials the parties accused are entitled to the benefit of the legal presumption in favor of innocence which in doubtful cases is always sufficient to turn the scale in their favor. It is, therefore, a rule of criminal law that the guilt of the accused must be fully proved. Neither a <sup>mere</sup> ~~moral~~ preponderance of evidence nor any weight of preponderant evidence is sufficient for the purpose unless it generate full belief of the fact to the exclusion of all reasonable doubt.

*Page*

INSTRUCTION NO. \_\_\_\_\_

The Court instructs the jury that in criminal trials the parties accused are entitled to the benefit of the legal presumption in favor of innocence which in doubtful cases is always sufficient to turn the scale in their favor. It is, therefore, a rule of criminal law that the guilt of the accused must be fully proved. Neither a ~~small~~ preponderance of evidence nor any weight of preponderant evidence is sufficient for the purpose unless it generates full belief of the fact or the exclusion of all reasonable doubt.

17 wit  
18 orlyt  
9 wit  
5 "

Jno. H. Rolston - 2.40  
Chas. E. Estep - 3.50  
Jno. R. Trumbo - 3.50  
W. S. Burner - 2.60  
Luther Rolley - 2.30  

---

14.30

April Term 1923

C. J. BEGOON & CALLIE RODEFFER

ads Indictment for a Misdr.

COMMONWEALTH

Impounding Jury #1.50  
Sheriff Costs #1.50  
Arrest 2 150 # 3.00  
Prize Fee Each 10.00 # 20.00  
Grand Jury 5 wit # 2.50  
Feb 28-9 wit " 4.50  
April 19-16 wit " " 8.00  
J. B. Johnson #14.00 } 39.50  
Examination Fee #4.00 }  
2.00 Dollars Each #4.00 }  
#18.00