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INSTRUCTION NO. 1.

The Court instructs the jury, that ~~the law presumes~~ every person, charged with crime is presumed to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and that this presumption of innocence goes with the prisoner through the entire case and applies to every stage thereof, and if after having heard the evidence, they have a reasonable doubt as to his guilt on 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 the prisoner not guilty.

INSTRUCTION NO. 2.

The Court instructs the jury, that the burden is upon the Commonwealth to prove every fact necessary to convict the accused of any offence whatsoever, and if they have any reasonable doubt as to any fact necessary to convict the accused as aforesaid, they are bound to give him the benefit of such doubt and find him 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 the evidence, leaves the minds of the jury in that condition that they can not say they feel an abiding conviction to a moral certainty of the truth of the charge"

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sistent with the conclusion that the homicide was excusable or justifiable, the accused can not be convicted.

INSTRUCTION NO. 4.

The Court further instructs the jury, that if they shall believe from the evidence that the accused shot the deceased under an honest and reasonable apprehension that his own life was in danger, or that he was in danger of serious bodily injury, he was justified in so doing, though such danger was unreal; the question for the jury in this case is not <sup>only</sup> whether the taking of the life of the deceased might have been safely avoided, but whether the defendant, under the circumstances in which he was placed, might honestly and reasonably have believed and did so believe it necessary to use the defensive action which resulted in the death of the deceased, either in order to save his own life or to avoid serious bodily harm to himself.

INSTRUCTION NO. 5.

The Court instructs the jury, that if they believe from the evidence that the accused honestly and reasonably believed, at the time he fired the shot that resulted in the death of the deceased, that he was in imminent danger of losing his own life or of suffering serious bodily harm, (and these matters depend upon the circumstances as they appeared to the accused), then he cannot be convicted of <sup>any</sup> ~~the~~ offence under the indictment in the case, although they may believe from the evidence that the prisoner was not in imminent danger of losing his own life or of suffering serious bodily



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INSTRUCTION NO. 5.

The Court instructs the jury, that if they believe from the evidence that the accused honestly and reasonably believed, at the time he killed the shot that resulted in the death of the deceased, that he was in imminent danger of losing his own life or of suffering serious bodily harm, and these matters depend upon the circumstances as they appeared to the accused, then he cannot be convicted of the offense under the indictment in the case, although they may believe from the evidence that the defendant was not in imminent danger of losing his own life or of suffering serious bodily



harm, the Court instructing the jury that if the prisoner acted from reasonable and honest apprehension of such imminent danger, he must judge for himself of the extent of the danger that threatened him.

INSTRUCTION NO. 6.

The jury are instructed that if they believe from the evidence, that on the night of November 5th 1893, Mrs. Charles Bruce came to the residence of the accused and informed him that there were persons at the House of the said Charles Bruce, that the said Bruce lived within the curtilage of the accused and was his employee, and that such persons were there threatening to kill the said Charles Bruce or to do him serious bodily harm, and that the accused thereupon, went to the house of the said Charles Bruce, with the purpose of protecting him from such threatened injury, ~~xx~~ and that after he reached there he fired the shot which resulted in the death of the deceased, with a reasonable and honest belief of the necessity to shoot the deceased to save the life of said Bruce or the life of himself, or to save the said Bruce or himself from serious bodily harm, they must find the accused not guilty, though they believe from the evidence that neither the said Bruce nor the accused, was in imminent danger of losing life or suffering serious bodily harm, the Court instructing the jury that if the accused *acted* from reasonable and honest apprehension of such imminent danger to either himself or said Bruce, that he had the right to judge for himself of the extent of the danger that threatened him or said Bruce.



harm, the Court instructing the jury that if the prisoner acted from reasonable and honest apprehension of such imminent danger, he must judge for himself of the extent of the danger that threatened him. The evidence that such a danger existed, went to the jury. The jury are instructed that if they believe from the evidence, that on the night of November 5th 1893, Mrs. Charles Bruce came to the residence of the accused and informed him that there were persons at the house of the said Charles Bruce, that the said Bruce lived within the village of the accused and was his employee, and that such persons were threatening him with serious bodily harm, and that the accused Bruce or to do him serious bodily harm, and that the accused thereupon, went to the house of the said Charles Bruce, with the purpose of protecting him from such threatened injury, and that after he reached there he fired the shot which resulted in the death of the deceased, with a reasonable and honest belief of the necessity to shoot the deceased to save the life of said Bruce or the life of himself, or to save the said Bruce or himself from serious bodily harm, they must find the accused not guilty, though they believe from the evidence that neither the said Bruce nor the deceased, was in imminent danger of losing life or suffering serious bodily harm, the Court instructing the jury that if the accused acted from reasonable and honest apprehension of such imminent danger to either himself or said Bruce, that he had the right to judge for himself of the extent of the danger that threatened him or said Bruce.



INSTRUCTION NO. 7.

The Court instructs the jury, that if they believe from the evidence that Enoch Roach and Charles Roach, went to the house of Charles Bruce, on the night of November 5th 1893, with the intention of assaulting ~~him~~ said Charles Bruce, and declared to said Bruce, that they intended to kill him, then the said Enoch Roach and Charles Roach were trespassers and were there at their own peril, and if the prisoner honestly and reasonably believed when he fired the fatal shot, that they intended to carry their threats into immediate execution, and that either his own life or the life of said Charles Bruce was in imminent danger, or that either he (the prisoner) or Charles Bruce were in imminent danger of serious bodily harm, they must find the prisoner not guilty.



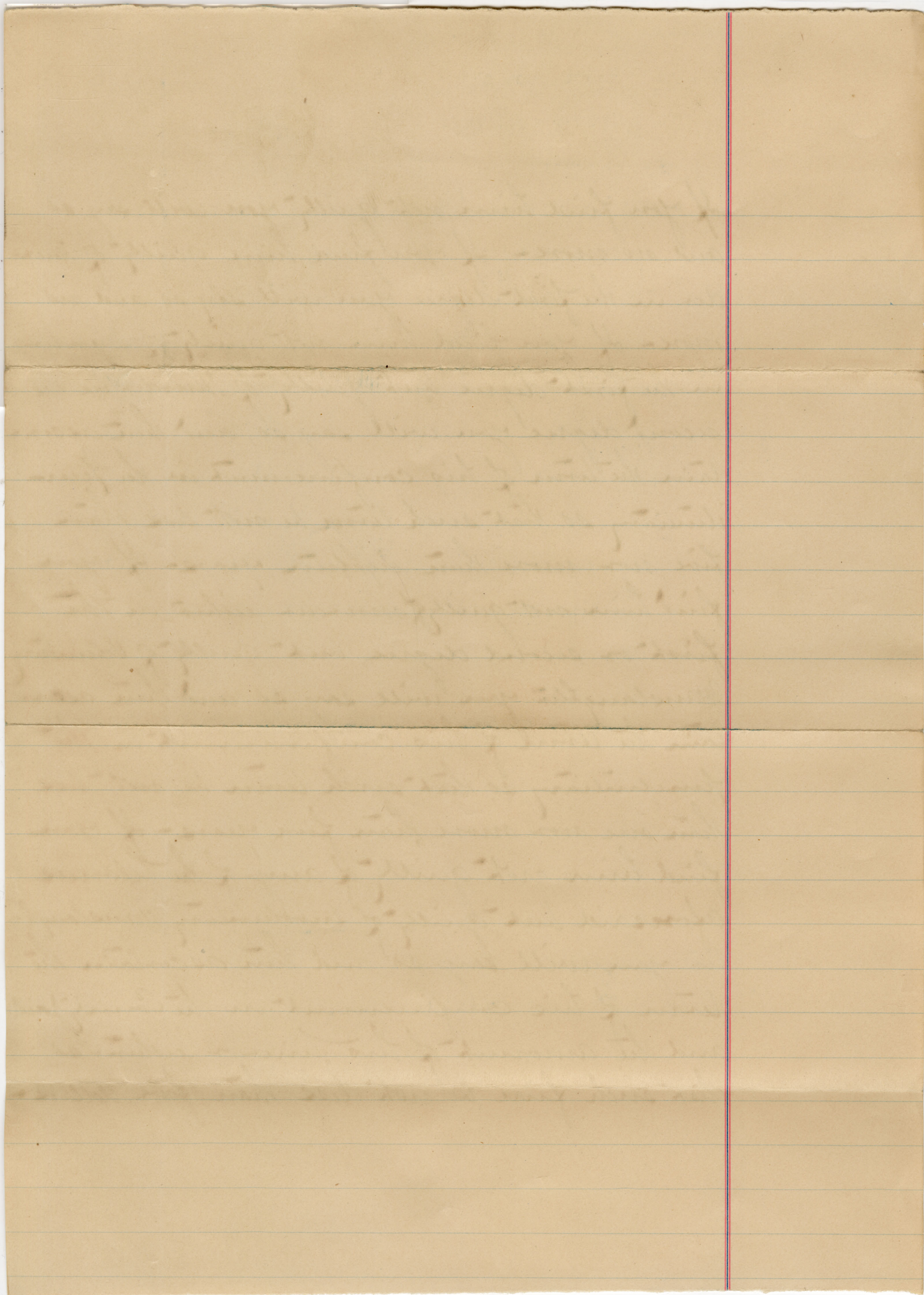
INSTRUCTION NO. 7.

The Court instructs the jury, that if they believe from the evidence that Knock Knoch and Charles Rosch, went to the house of Charles Bruce, on the night of November 5th 1888, with the intention of assassinating him said Charles Bruce, and declared to said Bruce, that they intended to kill him, then the said Knock Knoch and Charles Rosch were trespassers and were there at their own peril, and if the prisoner honestly and reasonably believed when he fired the fatal shot, that they intended to carry their threats into immediate execution and that either his own life or the life of said Charles Bruce was in imminent danger, or that either he or the prisoner or Charles Bruce were in imminent danger of serious bodily harm, they must find the prisoner not guilty.



If you find him not-guilty-you will say so and no more- If you find him guilty of Murder in the first-degree you will say so and no more- If you find him not-guilty of Murder in the first-degree but guilty of Murder in the second degree you will say so, and then ascertain the term of his confinement in the penitentiary so that such term be not less than five nor more than eighteen years- If you find him not-guilty of murder either in the first or second degree but guilty of Voluntary Manslaughter you will say so and then ascertain the term of his confinement in the penitentiary so that such term be not less than one nor more than five years- If you find him not-guilty of any of the felonies aforesaid but guilty of involuntary Manslaughter you will say so and then ascertain the term of his confinement in the County Jail and the amount of his fine or either- so that such fine be not less than five dollars-





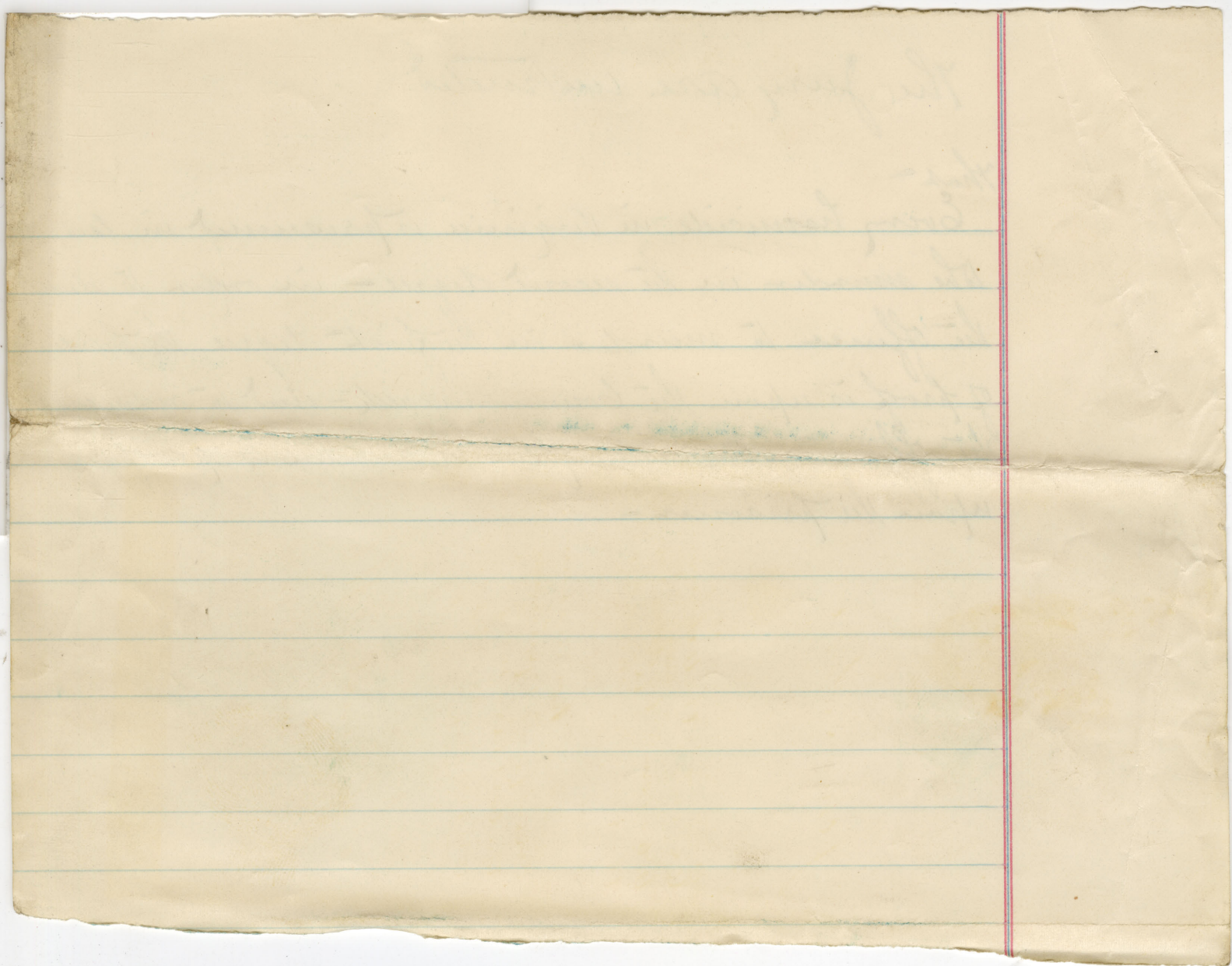


The jury are instructed

that -

Every homicide in Virginia is presumed in law  
to be murder in the second degree - in order to elevate  
the offense to murder in the first degree, the burden  
of proof is upon the Commonwealth - and to reduce  
the offense to manslaughter the burden of proof is  
upon the prisoner -







Commonwealth

©

John I. Wood

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P. B. Mooney 18

Samuel R. Bowman 16

J. K. P. Earman 14

E. H. Lowman 8

Le T. Ballender 10

W. E. Pennington 25

H. R. Rhodes 56

J. H. Linnweaver 14

Erasmus Fletcher 8

J. M. Le Armentrout 6

George E. Huffman 10

Martin L. Rutherford.

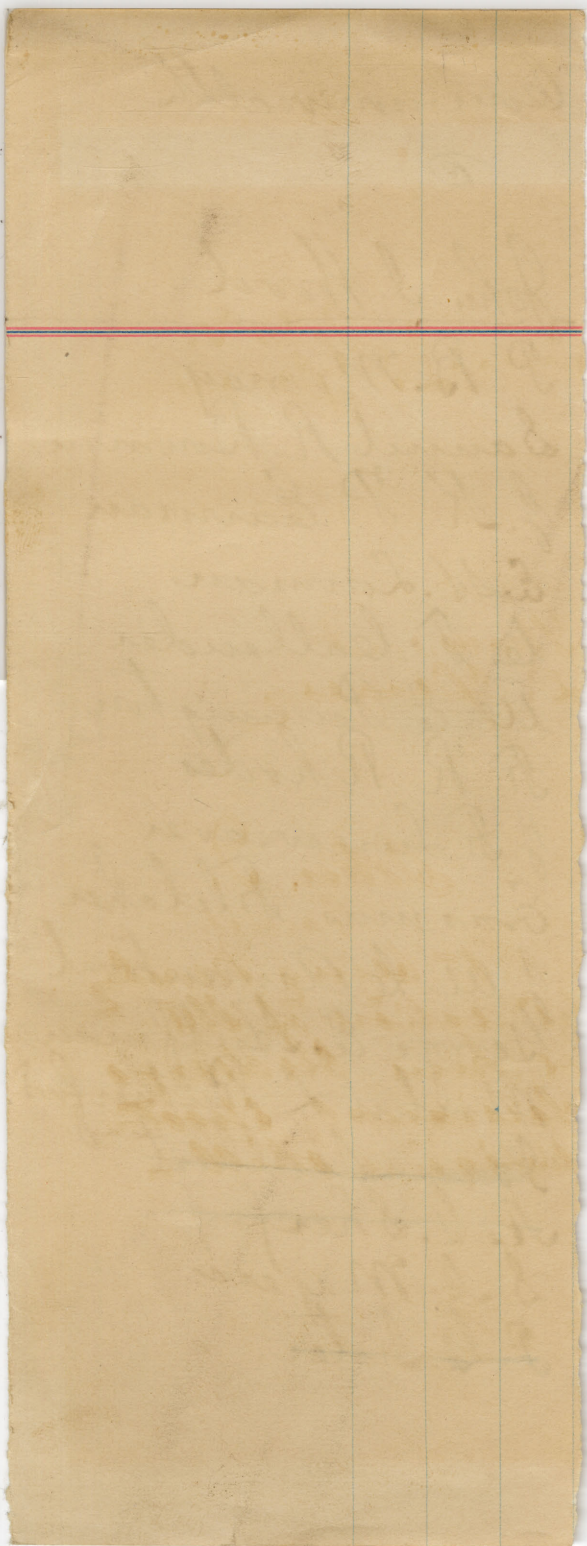
~~George Hilbert~~

~~W. G. Sheafey~~

S. A. Myers. 22

~~P. G. Suter.~~







Virginia Rockingham County to wit.

J. A. G. Rohr a Justice of said County do hereby  
certify that John J. Woods has this day been admit-  
ted to bail by me with surety for his appearance  
before the County Court of said County on the  
first day of the next term thereof that he  
may be tried for a felony by him committed  
in this that he did on the 5<sup>th</sup> day of November  
1893 feloniously shoot and kill one Enoch Roach  
and did feloniously shoot and wound one  
Charles Roach.

Given under my hand this 5<sup>th</sup> day of  
November 1893-

A. G. Rohr J. P.



Commonwealth of Pa  
vs } Certificate to Clerk  
John J. Wood

Filed November 8. 1893  
G. S. Mansley  
clerk



Virginia Rockingham County To wit.

Be it remembered that on the 6<sup>th</sup> day of November 1893. John J. Wood and Elizabeth Wood of the said County came before me A. G. Rohr a Justice of said County and severally and respectively acknowledged themselves to be indebted to commonwealth of Virginia in the sum of one thousand Dollars (\$1000<sup>00</sup>) good and lawful money of the United States to be made and levied of this goods and chattels, lands and tenements to the use of the Commonwealth if default shall be made in the performance of the condition underwritten.

The condition of the above recognizance is such that if the above bound John J. Wood do and shall personally appear before the County Court of Rockingham County on the first day of the next Term thereof then and there to answer the Commonwealth for and concerning a certain felony by him committed in this that he did on the 6<sup>th</sup> day of November 1893 in said County <sup>feloniously</sup> shoot and kill one Enosh Roach and <sup>feloniously</sup> did shoot and severely wound one Charles Roach where with the said John J. Wood stands charged, and shall not depart thence without the leave of the said Court then the above recognizance ~~to~~ shall be void otherwise to remain in full force and virtue. Taken and acknowledged before me in said



Commonwealth of Va  
vs J Bond of recognition  
John J. Wood

Dated November 8. 1893  
J. S. Messerley  
clerk

County the day and year first above  
written,

A. P. Graham J. C.



State of Virginia,  
County of Rockingham, to-wit:

BE IT REMEMBERED, That on the 8<sup>th</sup> day of November 1893, John I. Wood and P. P. Shiplett & Wm. L. Gentry of the said County personally appeared before me, J. E. L. Hughes a justice of the peace of the said County, and waiving the benefit of their homestead exemption as to this obligation, and also any claim or right to discharge any liability to the Commonwealth arising under the same with coupons detached from the bonds of this State, severally and respectively acknowledged themselves to owe and stand indebted to the Commonwealth of Virginia in manner and form following—that is to say, the said John I. Wood, in the sum of One Thousand dollars, and the said P. P. Shiplett & Wm. L. Gentry

in the sum of One Thousand dollars, each to be levied of their respective real estate, goods and chattels, to the use of the Commonwealth of Virginia to be rendered.

THE CONDITION OF THE ABOVE RECOGNIZANCE IS SUCH, That if the above bound John I. Wood do and shall personally appear before the County Court of Rockingham on the first day of the next term thereof, it being Monday November 20<sup>th</sup> 1893, to await the action of the grand jury in the case of Com. vs. him on charge of malice & wilfully & deliberately & unlawfully shooting Chas. O. Beach with intent to maim & with skill and shall not depart thence without the leave of the said Court, then the above recognizance to be void, or else to remain in full force and virtue.

Taken and acknowledged before me, in the said county, the day and year first above written.

J. E. L. Hughes, J. P.



Commonwealth

vs.

}

RECOGNIZANCE TAKEN  
BEFORE A JUSTICE.

*John I. Wood*

*Filed November 18. 1893*  
*J. S. Mearns*  
*clerk*



Commonwealth of Virginia

County of Rockingham

to-wit:

To the Court of the County Court of the said County,

I, J. E. L. Hughes.

, a Justice of the said County

do hereby certify that

John J. Wood

has this day been admitted to bail by me for <sup>with Sureties</sup> his appearance before the County court

of the said County, on the first day of the next term thereof, to answer an

indictment then and there to be found against him by the Grand Jury, then and there to be impaneled

for a Felony by him committed, in this that he did on the 8th day of November

1893, in said County, unlawfully, maliciously and feloniously  
shoot one Charles O. Roach, with intent to maim  
disfigure, disable and kill, him the said Charles O. Roach

Given under my hand this

8th

day of

November

, 1893.

J. E. L. Hughes,

J. P.



Commonwealth

vs. }

JUSTICE'S CERTIFICATE  
TO  
CLERK OF BAIL.

*John L. Wood.*

*Filed November 20/93*  
*J. B. Messerley*  
*clerk*



Commonwealth of Virginia }  
County of Rockingham } , to wit:

To S. J. Hensley a Constable of the said County

WHEREAS, Charles O. Roach (lying in a dying condition)  
of the said County, has this day made complaint and information <sup>on oath</sup> before me J. E. L. Hughes

, a Justice of the said County, that John S. Wood

, of the said County, did on the 6th  
day of November 1893, in said County, unlawfully  
maliciously and feloniously shoot him the  
said Charles O. Roach, with the intent to maim  
disfigure disable and kill him the said  
Charles O. Roach

These are therefore, in the name of the Commonwealth, to command you forthwith to apprehend and bring  
before me, or some other Justice of the said County the body of the said John S. Wood

, to answer the said complaint, and be farther  
dealt with according to law, and you are also directed to summon Charles Henry Dugan  
and Charles Bruce as witnesses.

Given under my hand and seal this 6th day of November, in the year 1893

J. E. L. Hughes, J. P. [L. S.]



State of Virginia } to wit; Nov. 8<sup>th</sup> 1893.  
Rockingham County

Commonwealth vs John I. Wood.

John I. Wood being brought before me by virtue of the within warrant, and he waiving examination I have this day admitted him to bail in the sum of one thousand dollars, with P. P. Shifflett and Wm L. Yancy as sureties, for his appearance before the County Court of Rockingham County, on the first day of the next term thereof, to await the action of the grand jury - J. E. L. Hughes, J.P.

Form No. 501.

## Commonwealth

vs.

ARREST WARRANT.

John I. Wood.

Executed the within  
Warrant by <sup>arresting</sup> delivering  
the body of John I. Wood  
before J. E. L. Hughes a  
Justice of Rockingham  
County and by summoning  
the within named  
witness in person  
this 8<sup>th</sup> day of  
November 1893

S. J. Hensley C.R.C.

Filed November 18/1893

J. S. Menuley  
clerk