

**Commonwealth of Virginia,**

COUNTY OF Rockingham, TO-WIT:

IN THE COUNTY COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of  
Rockingham, and now attending the said Court at its  
January term, in the year 1903, upon their oaths present that

Robert Murray

on the 22 day of December, in the year 1902, in the said County,  
unlawfully and feloniously did carnally know and  
abuse one Lettie Long a female child then  
being under the age of fourteen years, to wit  
of the age of seven years

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of

witness sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.



## Commonwealth

INDICTMENT FOR A

vs.

*Felony*  
*Robert Murray -*

A TRUE BILL.

*B. H. Kedeffer* Foreman.

1903. Jan'y 1st. Arraigned - plea of Not guilty

As the jury found the prisoner Robert Murray, guilty of the <sup>of rape</sup> felony in manner and form as charged in the indictment and ascertain his punishment at Enslavement in the penitentiary for eighteen years

*R. H. Shank,* Prisoner

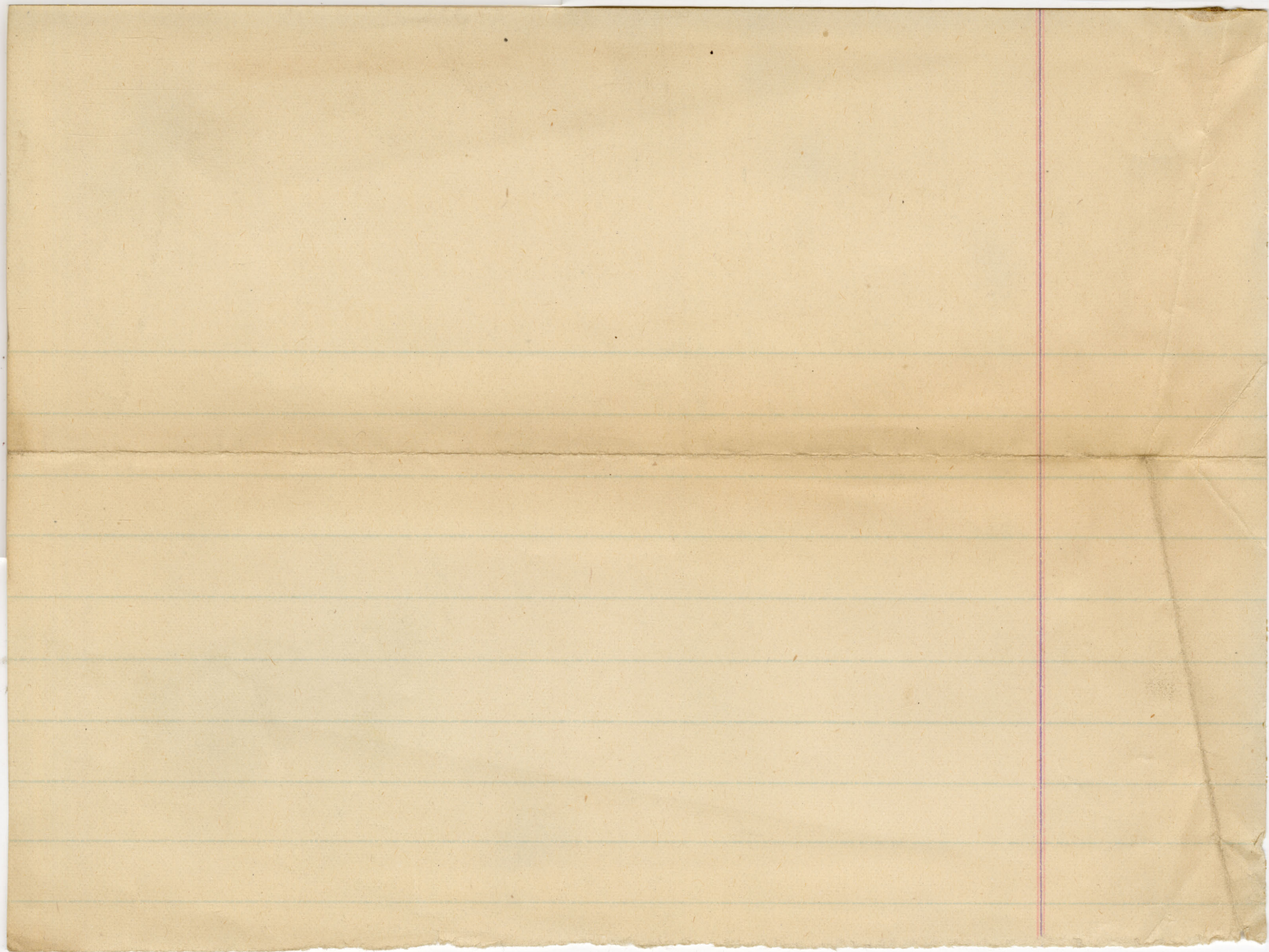


We the jury find the accused  
guilty as set forth in the indict-  
ment, and fix his punishment  
at 18 years in the Penitentiary.

A. H. Shank,

Foreman.







The Court-instructs the jury that any, the  
least degree of penetration is sufficient-  
to constitute carnal knowledge in  
relation to the crime of rape.



The Court instructs the jury that any, the  
least degree of penetration is sufficient  
to constitute carnal knowledge in  
relation to the crime of rape.



The Jury are instructed that the law presumes a boy under 14 years of age incapable of committing or attempting to commit rape, because it presumes as to this particular species of crime an imbecility of mind as well as of body up to that age.



The Jury are instructed that the law presumes a  
boy under 14 years of age incapable of committing or attempt-  
ing to commit rape, because it presumes as to this particu-  
lar species of crime an inability of mind as well as of  
body up to that age.

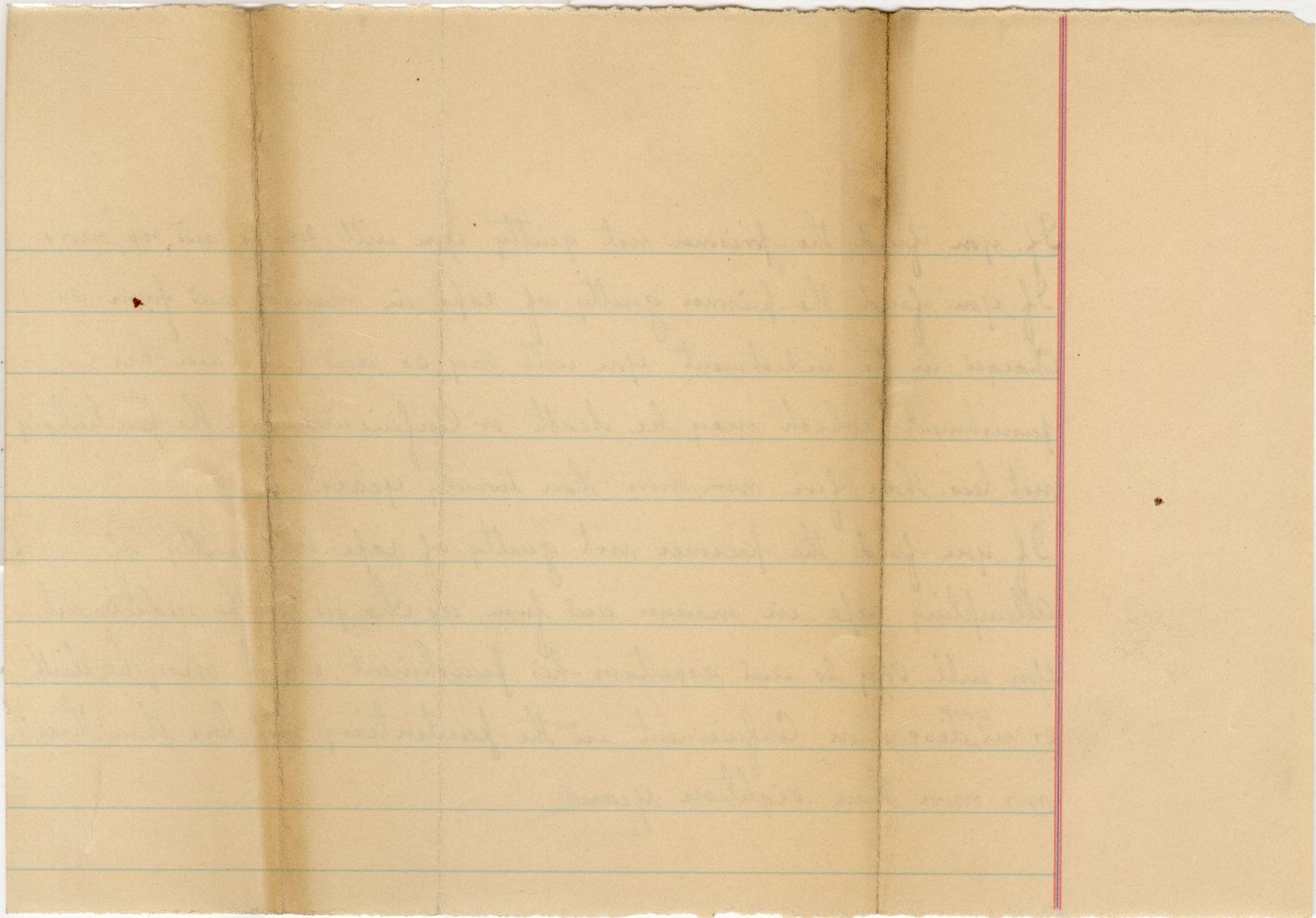


If you find the prisoner not guilty you will say so and no more.

If you find the prisoner guilty of rape in manner and form as charged in the indictment you will say so and ascertain his punishment which may be death or Confinement in the penitentiary not less than five nor more than twenty years.

If you find the prisoner not guilty of rape but guilty of attempting rape in manner and form as charged in the indictment, you will say so and ascertain his punishment which may be death or in <sup>your</sup> discretion Confinement in the penitentiary not less than three nor more than eighteen years.







12

The Jury are instructed that the law presumes a boy under 14 years of age incapable of committing or attempting rape, because it supposes, as to this particular species of felony, <sup>to commit</sup> an inbecility of mind as well as of body, up to that age, and they are further instructed, that if they believe from the evidence that the prisoner was over 14 years of age, and under fifteen years of age at the time of the commission of the alleged crime, they have the right in ascertaining his punishment, ~~to take~~ his youth into consideration, *together with the other evidence taken in the case*

Revised  
L.C.



2

The Jury are instructed that the law presumes a boy under 14 years of age incapable of committing or attempting rape, because it supposes, as to this particular species of felony, an incapacity of mind as well as of body. up to that age, and they are further instructed, that if they believe from the evidence that the prisoner was over 14 years of age, and under fifteen years of age at the time of the commission of the alleged crime, they have the right in ascertaining his punishment, to take his youth into consideration.

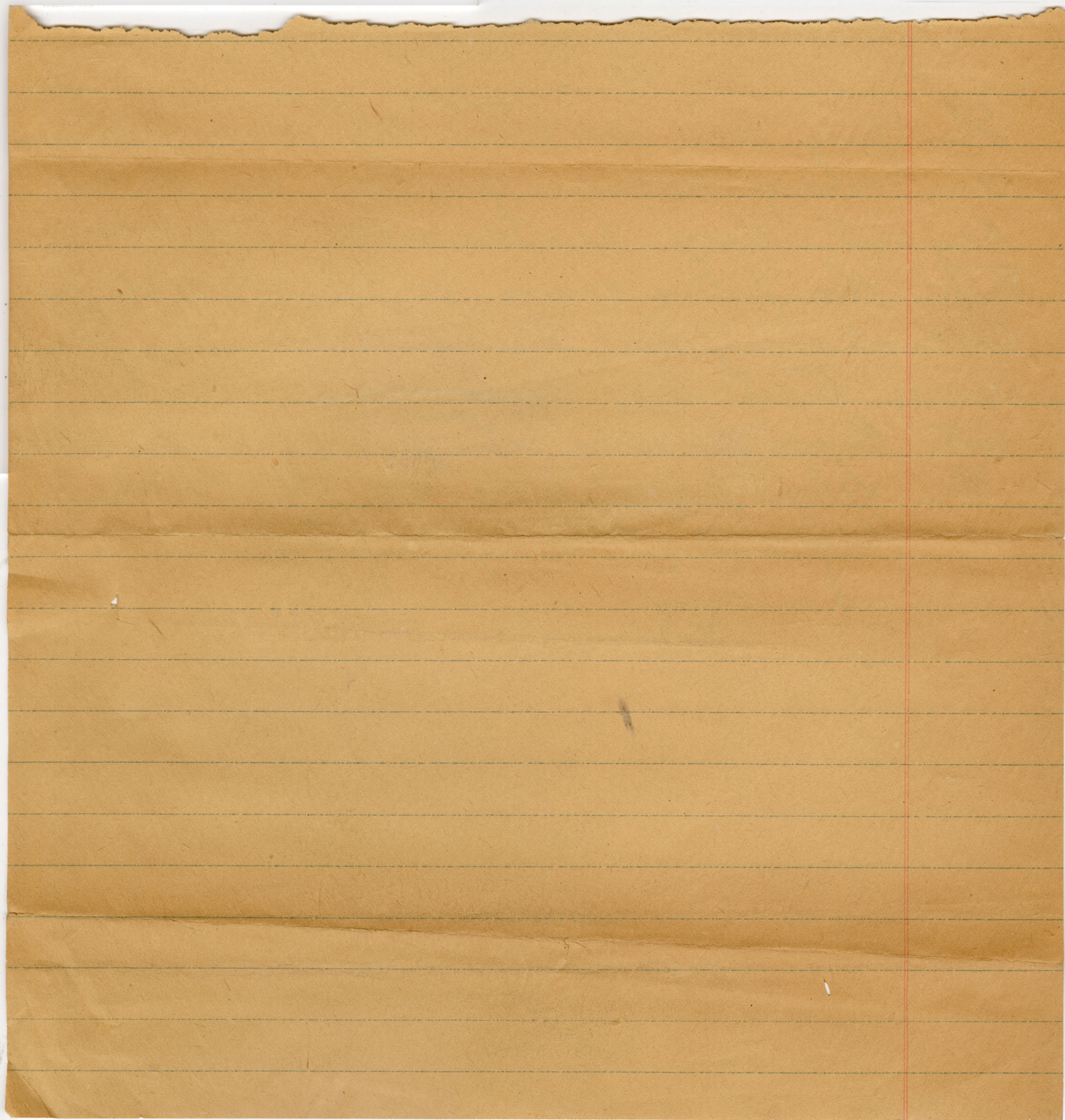


4

The jury are instructed that although they may believe from the evidence beyond any reasonable doubt that the prisoner is guilty yet in ascertaining his punishment they may take his ~~age~~ youth into consideration together with all the other evidence in the case  
Refused & accepted

Refused L.C.







If you find the prisoner not-guilty-  
you will say so and no more.

If you find the prisoner guilty- of  
rape in manner and form as charged  
in the indictment- you will say so  
and ascertain his punishment- which  
may be death or ~~imprisonment~~ <sup>confinement</sup> in the  
penitentiary not- less than five nor  
more than twenty years.

If you find the prisoner not-guilty- of  
rape but- guilty- of attempting rape  
in manner and form as charged  
in the indictment; you will say  
so and ascertain his punishment-  
which may be death or in your  
discretion confinement- in the penitentiary  
not- less than three nor more than  
eighteen years.



14261-22  
25  
11



IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY---GREETING:

You are hereby commanded to summon *L. C. Conrad W. A. Braithwaite*  
*John Spencer and Henry Frances*

to appear before the Judge of the County Court of Rockingham County, at the Court-House, at 10  
o'clock, a. m., on the ~~day of the~~ *Fourth* Court next, being the ~~day of~~  
190, to testify and the truth to say in behalf of the Commonwealth against

*Robert Murray*

who stands charged with and indicted for *Felony*.  
And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, JOSEPH S. MESSERLEY, Clerk of our said Court, at the Court-House, the  
*27* day of *January* 190*3* and in the *27*<sup>th</sup> year of the Commonwealth.

*J. S. Messerley*, Clerk.



Presented  
to the  
Hon. Secy of the  
A. N. S. C.  
J. A. B. C.

Commonwealth  
of Massachusetts  
1844  
Robert Murray

Wm. Conrad  
W. A. Braithwaite  
John Spencer  
Henry France

Forthwith