

Pleas and proceedings had before
the Justices of the Houstings Courts
of No amounting on the 5th day of July 1869

Be it remembered, that at this same term, to wit: At a Court of
Houstings held for the town of Harrisonburg Rockingham County Virginia
at the Court-House on Monday the 5th day of July 1869. Philo
Bradley Gentleman Foreman Wm C Price, Geo J Kisling, Geo W
Tabb, Geo Miller, Henry Kelly, J W Talcavero, John W Want
man, Brother J Jones, D McSwitzer, Benjamin Shantz, Wm.
B Duncan, John J Effinger, Robert R Harry, O P Helpertonine
Charles A Sprinkle, Aaron W Willson, James S VanPelt, serv.,
N S Greiner and Gilding Sagan were sworn a Grand Jury
of inquest for the body of this Town, and having received their
charge, withdrew, and after some time returned into Court, and
presented, An Indictment against Jacob Suters and Jimie Bonds
for Lewd and Sacious Cohabitation, a true bill, which
Indictment is in the words following to wit: The Jurors
of the Commonwealth of Virginia in and for the body of
the town of Harrisonburg and now attending said Court on
their Oaths present that Jacob Suters and Jimie Bonds on the first
day of June 1869 and from that day to the day of 1869 in the
said town. the said Jacob Suters and Jimie Bonds not at any time
being married to each other did during all that time lewdly and sactively
associate and cohabit together against the peace and dignity of the
Commonwealth of Virginia. This Indictment is found upon
the evidence of Suters admission to Grand Jury O P Helpertonine Robert
Gilmer sworn in Court and sent before the Grand Jury

A true bill

Philo Bradley
Foreman

And at another day, to wit: At a Court of Hearings held
for the town of Harrisonburg on Monday the 4th day of October 1869

This day came as well the Attorney for the Commonwealth
as Jacob Suters, the Defendant by his Attorney. And thereupon
the said Defendant by his Attorney demurred generally
to the Indictment aforesaid and the Commonwealth's Attorney
joined in said demurser. Thereupon on considerations this
cause is continued at the costs of the Defendant.

And at another day, to wit: at a Court of Hearings held
for the town of Harrisonburg on Wednesday the 5th day of
January 1870

The Commonwealth

vs } Upon an Indictment for Lewd and
Jacob Suters } lascivious Cohabitation

This day came as well the Attorney for the
Commonwealth as the Defendant by his Attorney. Thereupon
said Defendant by his Attorney demurred generally to the
Indictment aforesaid and the Atty for the Commonwealth
joined in said demurser which being argued was overruled
by the Court. Thereupon came a Jury to wit, S. J. Jones, James
Gordon, J. C. Staples, J. F. Woakes, Geo. O'Conor, A. H. Fletcher, W. S.
Braithwaite, G. B. Clower, W. M. Sibert, Peachy Rice, John W.
Wilson & Thos. O'Sterling who being elected tried and
sworn the truth to speak upon the issue joined and
having fully heard the evidence and arguments
of Counsel upon their oaths do say that "we the Jury
find the Defendant guilty and assess the fine at Fifty
dollars. Therefore it is considered by the Court that the
said Jacob Suters pay to the Commonwealth Fifty dollars the fine assessed

by the Jurors in their verdict aforesaid and the the costs of
this prosecution, and a capias Profine is awarded
against said Defendant for the fine and costs aforesaid
returnable to the next term of this Court

Memo on the trial of this cause the Dft by
his Attorney excepted to an opinion of the Court
given upon said trial and tendered his bill of
exceptions which are received signed and sealed by
the Court, and ordered to be made a part of the record in said
cause. Which is as follows, to wit. Be it remembered that
after the Jury were sworn to try the issue joined in this cause
the Commonwealth to maintain the said issue on her part gave
evidence to the Jury tending to prove that in the year 1869 a single
woman named Jimie Bonds lived in the Town of Marionburg and
was frequently visited at her house by the defendant Jacob Suters
who sometimes hauled her wood & went there at night and came
away in the morning who had this woman to wash for him
and that they were never married to each other The evidence
being closed the defendant by his Counsel moved the
Court to give to the Jury the following instructions

The Jury are instructed that in order to convict the
defendant it is not sufficient to prove that the defendant
frequently went to the house in which Jimie Bonds lives
or that he even lived there but there must be proof that
they lived together lewdly in a state of actual criminal
intercourse

But the Court refused to give the said instructions
to the Jury. the Defendant by his Counsel excepted and pray
that this his exception might be signed sealed and made a

Instructed

part of the record in the cause and the same is accordingly
done

W^m N Gay Seal
J D Price Seal
Benj Shunk Seal
W^m P Grove Seal
Geo Mepersmith Seal

and at another day, to wit: at a Court of Hustings
held for the town of Harrisonburg on Friday
the 7th day of January 1870

The Commonwealth

vs
Jacob Suters

Upon an Indictment for
Lascivious Cohabitation

On motion of the Defendants by
his attorney the Capias Profine ordered in this cause
on yesterday is ordered to be suspended for thirty days to
allow said defendant an opportunity to apply for
a writ of error.

a Copy

Teste

Jos S Efferinger G.C.M.W.

Staunton Feb 11. 1870.

Writ of Error awarded upon the
usual terms

David Full



To the 6th of Circuit
Court of Rockingham Co.