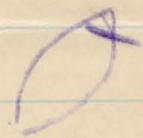


Harrisonburg
Rockingham County
Virginia
Circuit Court
October 13 - 1906



Miss

Instruction NO. I.

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 goesx with the accused through the entire case, and applies at every stage thereof; and if, after having heard all the evidence in this case, the Jury have a reasonable doubt of the guilt of the accused upon 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 him not guilty.

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2

Instruction NO. 3.

The Court instructs the ^UJury that by a "Reasonable Doubt" is meant
that state of the case, which after the entire comparison and consid-
eration of all the evidence in the case, ^{leaves} your minds ~~are left~~ in such
a state that you ~~can~~ not say that you have an abiding conviction to
a moral certainty of the truth of the charge.

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The Court instructs the jury that by a "Reasonable Doubt" is meant that state of the case, which after the entire comparison and consideration of all the evidence in the case, your minds are left in such a state that you can not say that you have an abiding conviction to a moral certainty of the truth of the charge.

ly

No

3
Instruction NO. 5.

The Court instructs the Jury that upon the trial of a criminal case by a Jury, the Law contemplates the concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Each individual juror must be satisfied beyond a reasonable doubt of the defendant's guilt before he can, under his oath, consent to a verdict of guilty. Each juror should feel the responsibility resting upon him as a member of the jury, and should realize that his own mind must be convinced beyond a reasonable doubt of the defendant's guilt before he can consent to a verdict of guilty. Therefore, if any individual member of the jury, after having duly considered all the evidence in this case, and after consultation with his fellow-jurors, should entertain such reasonable doubt of the defendant's guilt as is set forth in certain other instructions in this case, it is his duty not to surrender his own convictions simply because the balance of the Jury entertain different convictions.

Instruction No. 5.

The Court instructs the jury that upon the trial of a criminal case by a jury, the law contemplates the concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Each individual juror must be satisfied beyond a reasonable doubt of the defendant's guilt before he can, under his oath, consent to a verdict of guilty. Each juror should feel the responsibility resting upon him as a member of the jury, and should realize that his own mind must be convinced beyond a reasonable doubt of the defendant's guilt before he can consent to a verdict of guilty. Therefore, if any individual member of the jury, after having duly considered all the evidence in this case, and after consultation with his fellow-jurors, should entertain such reasonable doubt of the defendant's guilt as is set forth in certain other instructions in this case, it is his duty not to surrender his own convictions simply because the balance of the jury entertain different convictions.

(4)

while
The court instructs the jury that the burden of proving an alibi
is on the ~~###~~ accused , yet this does not dispense with the neces-
sity of the State's proving the actual presence of the accused
at the place where , at the time when, the crime was ~~com~~^{mitted}~~#####~~
when personal presence is essential to the commission of crime;
and if from the evidence, the jury have a reasonable doubt of the
presence of the accused at the place where, at the time when the
offense was committed , they should acquit him .

(21)

The court instructs the jury that the burden of proving an alibi
is on the ~~party~~ accused, yet this does not dispense with the neces-
sity of the State's proving the actual presence of the accused
at the place where, at the time when, the crime was committed.
When personal presence is essential to the commission of a crime,
and if from the evidence, the jury have reasonable doubt as to the
presence of the accused at the place where, at the time when the
offense was committed, they should acquit him.

(S)

The court instructs the jury that in a criminal case suspicions
however strong they may be, never amount to proof of guilt to
a moral certainty against the accused, and that if the evidence
in this case merely excites a suspicion of guilt against the accused
, however strong, the accused should be acquitted. *Circumstantial*
evidence, however, sufficient to satisfy the minds of the jury
Andersen's Case 2 S. E. 283.

*If the fruit of the process began reasonable doubt
will justify a conviction -*

2

The court instructs the jury that in a criminal case suspicion
however strong they may be, never amounts to proof of guilt to
a moral certainty against the accused, and that if the evidence
in this case merely excites a suspicion of guilt against the accused
however strong, the accused should be acquitted. *Prosecution*
in this case merely excites a suspicion of guilt against the accused
however strong, the accused should be acquitted.

If the jury of the fact of the crime is satisfied -
they should find a verdict -

(5)

The court instructs the jury that ~~that~~ a coincidence of circumstances tending to indicate guilt, however strong and numerous they may be, avails nothing unless the corpus delicti - the fact that the crime has been actually perpetrated, be first established, and that so long as ^{reasonable} ~~that~~ doubt exists as to the ~~fact that a crime was committed~~ ^{act} there can be no certainty as to the criminal agent.

Jones Case 49 S. E. 663.

~~that the jury that the fact that the crime was committed~~

(2)

The court instructs the jury that ~~there is~~ a coincidence of cir-
cumstances tending to indicate guilt. However strong and numerous
they may be, ~~they do not~~ avail to sustain the jurors' belief - the fact

that the crime has been actually perpetrated, be first established.
~~and that as long as the least doubt exists as to the truth of~~ ~~the fact~~ ~~that~~

there can be no certainty as to the criminal agent.

James Case 43 S. E. 603.

~~When the jury is satisfied that the crime has been committed, it is their duty to find the defendant guilty.~~

The Court instructs the jury that
though they believe from the evidence
that Hunter Miller did not ^{steal from} ~~actually~~
the person of John H. Bradley the property of
said Bradley, as charged in the
indictment - yet if they do believe that
the property of John H. Bradley was stolen as charged in the indictment
and that said Hunter Miller was present at
the commission of the larceny charged
in the indictment and aided
or abetted in the said larceny,
they may find him guilty of said
larceny -

Given

the power of John D. Quincy the purport of
which the Bostonian from the evidence
that Quincy would not be - ~~admitted~~
in the establishment and circuit
as admitted in the said Quincy
they say find this quality of course
Quincy -

Quincy

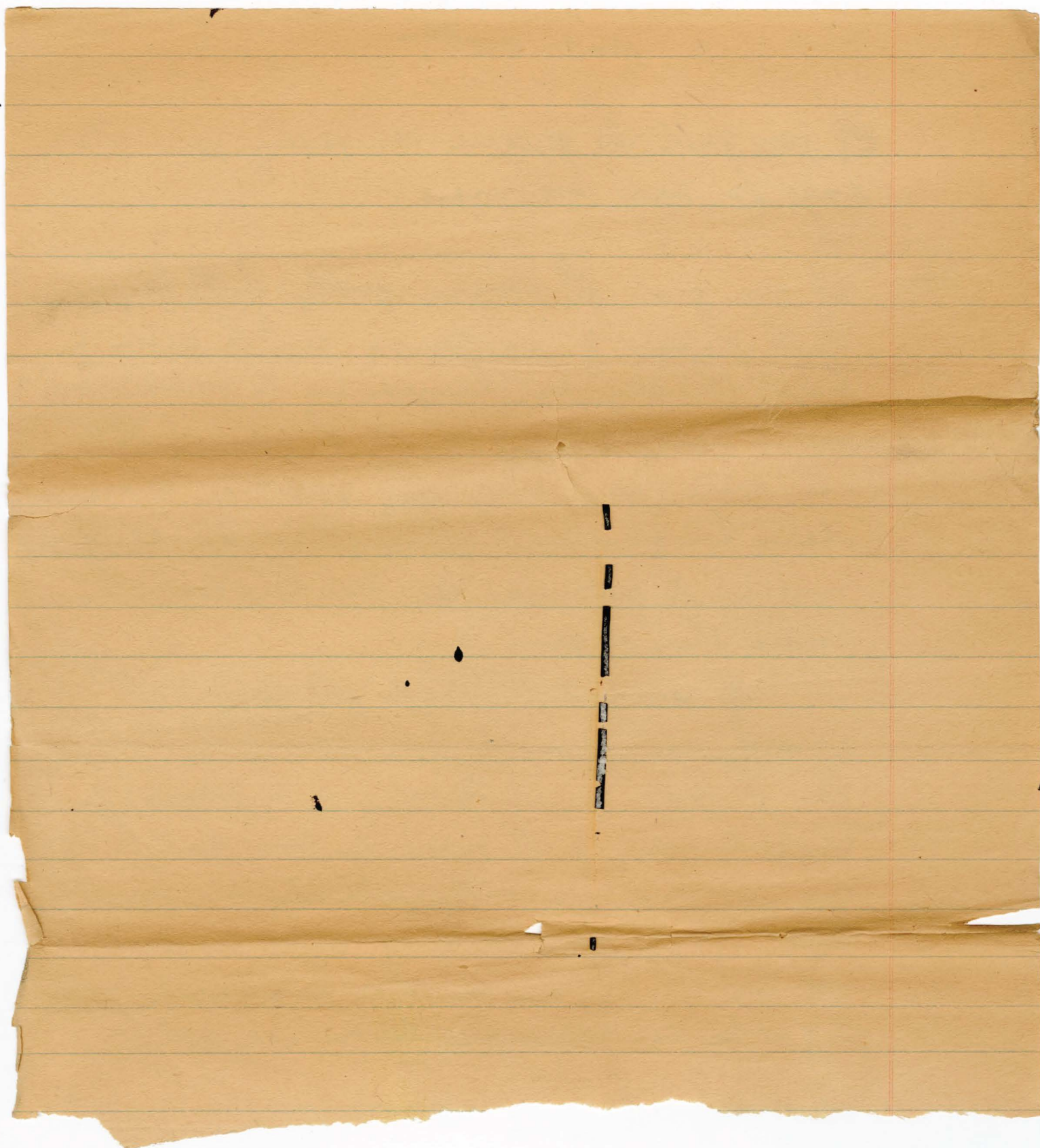
1840

Wm. Miller

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

If you find the prisoner guilty- of the larceny of the property of Jos. Bradley from the person of said Bradley, as charged in the indictment- & that said property was of the value of \$5-00 or more you will say so and ascertain his punishment- which shall be confinement in the penitentiary not- less than one nor more than 10 years. . .

If you find the prisoner not-guilty- of the larceny as aforesaid but- guilty- of larceny from the person of said Bradley of the property of said Bradley of the value of less than \$5-00 you will say so and ascertain his punishment- which shall be confinement in jail not- less than 15 days nor more than 6 months or by fine of not- less than \$5-00 nor more than \$100. or by both.



3370

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

If you find the prisoner guilty of the
larceny of property of the value of \$500 or more
from ^{the person of} John H. Brady as charged in the indict-
ment you will say so and ascertain his
punishment which shall be confinement in the
penitentiary not less than one nor more than
ten years.

If you find the prisoner not-guilty of the
larceny as aforesaid of property of the value
of \$500 but-guilty of the larceny as aforesaid
of property of the value of less than \$500 from the
person of John H. Brady then will say so &
ascertain his punishment which shall be
confinement in jail not less than 15 days nor
more than 6 months or by fine of not less than
\$500 nor more than \$100. or by both.

A List of

Date of Order of
Court making
the Allowance.

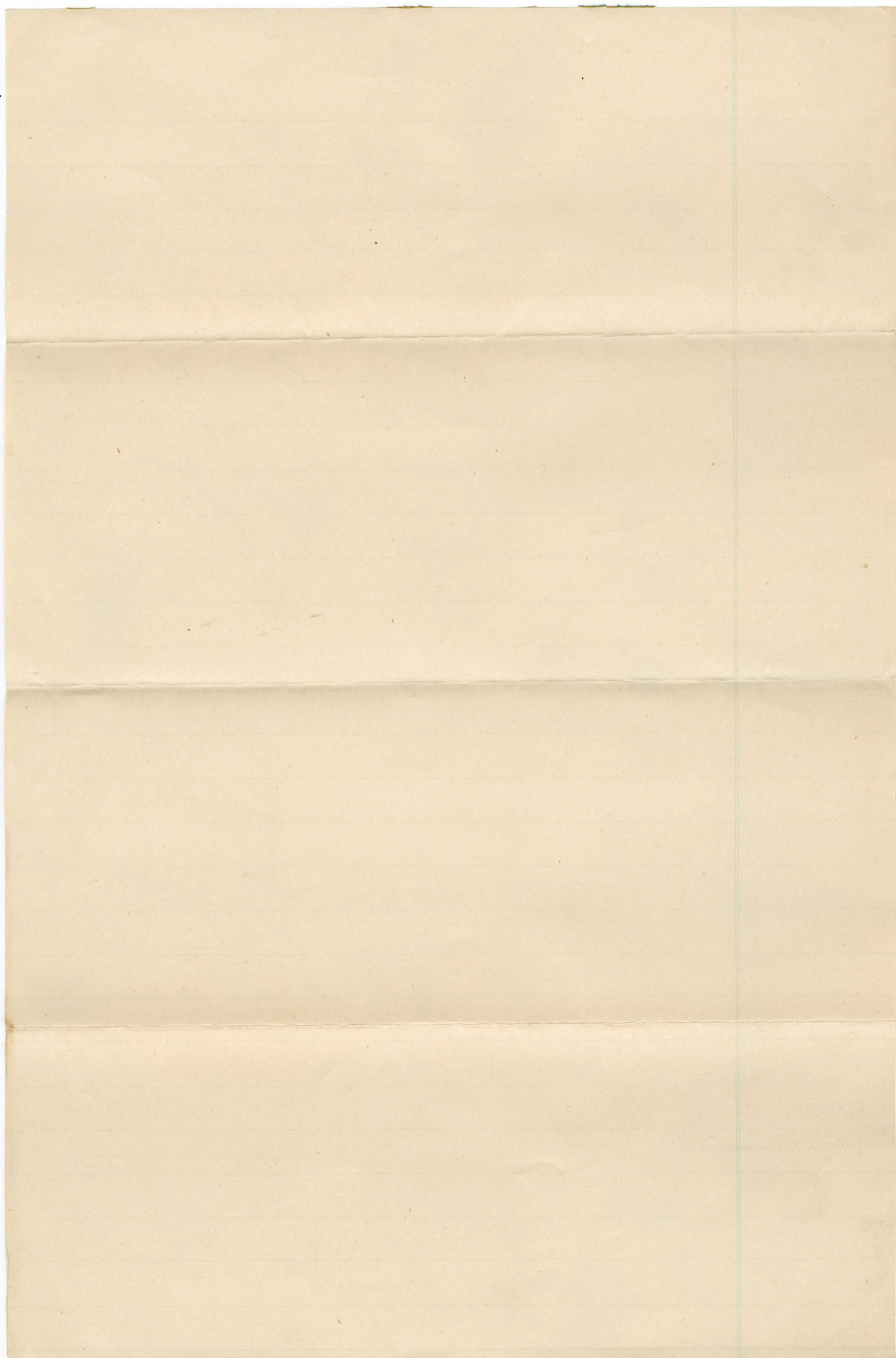
Name

1906 Oct 10 E. J.
for

" 13 H.
C.
C.

Oct. 12. 1906.

We the Jurors find the prisoner
Thomas Jenkins guilty, ~~of~~ ^{and} fix
his punishment at one years
confinement in the Penitentiary.
M. H. Thomas. foreman.



G. A. C

G. B. C

Commencement

Holmes } June

Hunter Mills

- 1 Leonard C. Cooper
- 2 Wm H. Frank
- 3 Saml B. Garber
- 4 J. B. Hinckley
- 5 G. B. Long
- 6 G. C. Rolston
- 7 John A. Sumbo
- 8 Thos. M. Wise
- 9 W. A. Lances
- 10 Lemuel Floyd
- 11 John H. Mager
- 12 A. L. Sellers



Conf. A. C.

E. B. C.

Communion

Fellow } Jem

Thomas Jenkins

1 Wm J. Holler

2 M. A. Thomas

3 J. F. Minnie

4 Solomon V. Killy

5 Jacob W. Anderson

6 Walter Shewalter

7 C. O. Arney

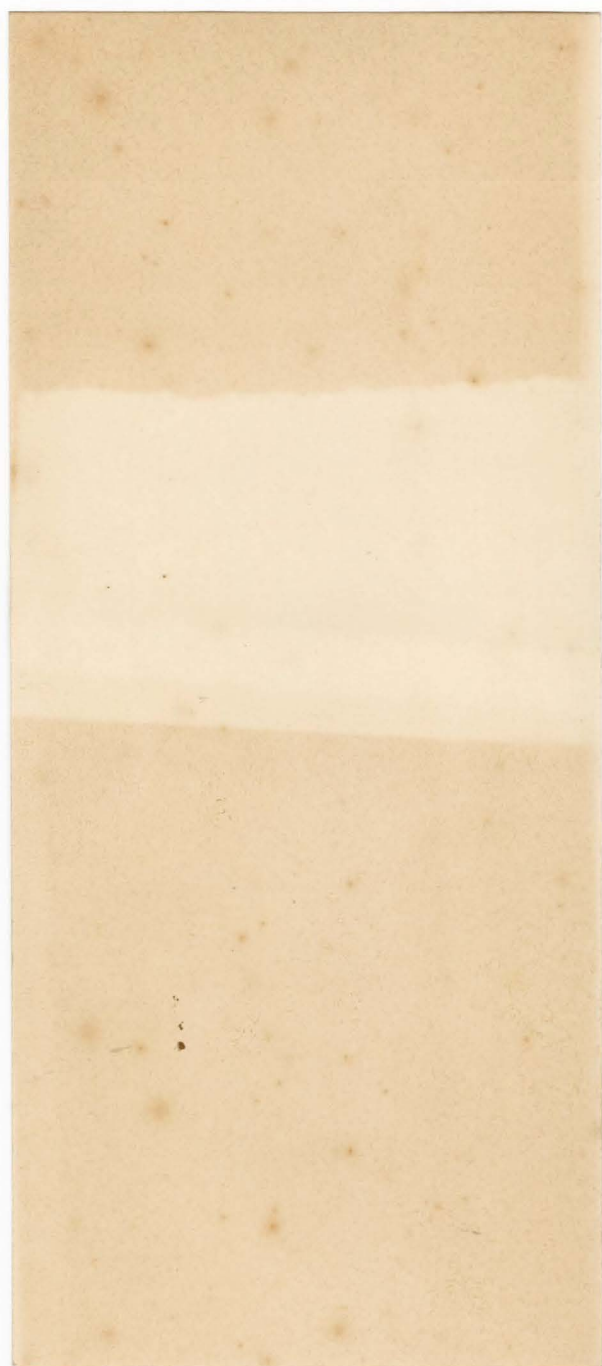
8 J. H. Bailey

9 John E. Hillyard

10 D. F. Heatsole

11 C. C. Acker

12 Jos. L. Harvett



Commonwealth of Virginia,

COUNTY OF Rockingham, TO-WIT:

IN THE ^{circuit}~~COUNTY~~ COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of

Rockingham

September

, and now attending the said Court at its
term, in the year 1906, upon their oaths present that

Thomas Jenkins and Hunter Miller

on the 23^d day of July, in the year 1906, in the said County,

divers, to wit: six bank notes for the payment of \$20.00 each and of the value of \$20.00 each, three bank notes for the payment of \$10.00 each and of the value of \$10.00 each, three bank notes for the payment of \$5.00 each and of the value of \$5.00 each in the whole amounting to the sum of \$165.00 and of the value of \$165.00 then being the bank notes and property of John H. Bradley and being current money in this Commonwealth, from the person of him the said John H. Bradley feloniously did steal, take and carry away

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of John H. Bradley
Mrs Taylor, Sarah Green,

witness sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.

For the jury find the prisoner ^{Thomas Jenkins} guilty of grand larceny
in manner & form as charged in the indictment
& fix his punishment at one year confinement in
the penitentiary. Mr. St. Thomas Foreman

For the jury find the prisoner Hunter Miller not guilty of Grand Larceny
in manner and form as charged in the indictment but guilty of Petit
Larceny, and give his punishment at Confinement in the County Jail for
the term of ninety days. L. B. Cooper Foreman

No. 35.

Commonwealth

INDICTMENT FOR A

U.S.

Belong

Thomas Jenkins & Hunter
Miller

A TRUE BILL.

Foreman.

Peter Miller

1906 Sept. term -
arraigned & Pleaded
not guilty by both parties