

Commonwealth.

© J

Wade H. Wood.

~~Leroy S. Layman.~~

J. Henry Miller

J. S. Lawer.

Edward J. Shaver

Berij F. Peery

Harvey G. Elger

~~John F. Brown~~

R. F. Bazzle

Frank R. Rhodes.

Franklin Alexander.

~~John R. Bowman Jr.~~

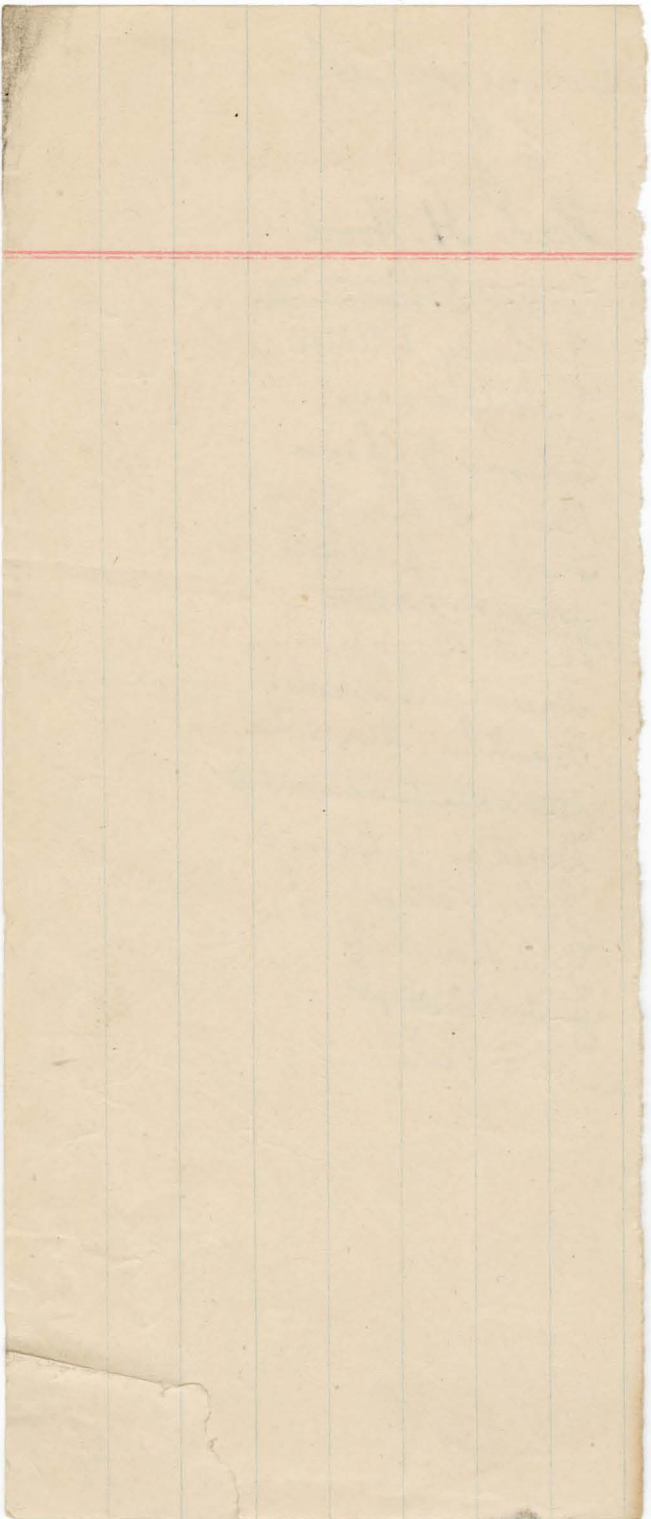
Dorilas J. Driver.

J. H. Peerce

J. P. Rauhof

~~J. L. Auder.~~

A. H. Kite.



G. N. C.

1870
J. A. S.

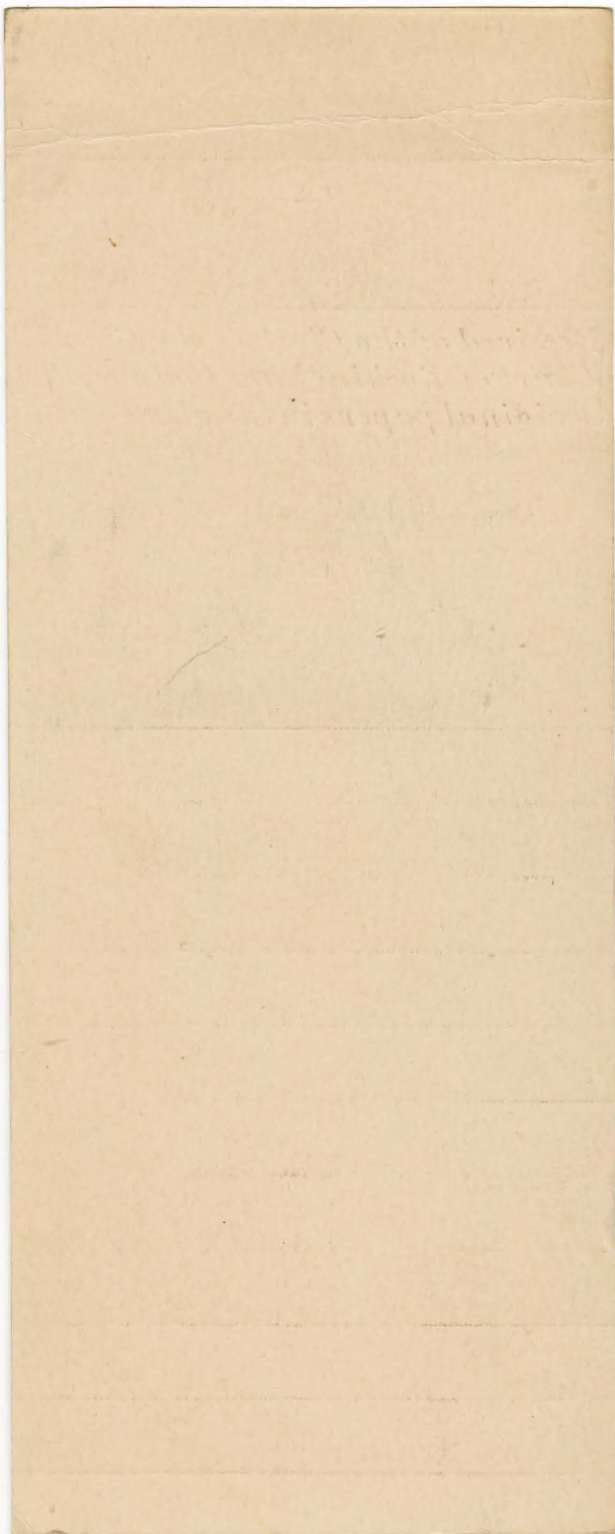
Commonwealth

vs. } Jury

Wade H. Wood

~~Received of the Clerk of the Circuit
Court of Rockingham County, the
original papers in the above case.~~

- 1 J. Henry Miller
 - 2 J. S. Carver
 - 3 Edward J. Shaver
 - 4 Benj. F. Beer
 - 5 Harvey A. Alger
 - 6 R. F. Bazzel
 - 7 Frank R. Rhodes
 - 8 Francis Alexander
 - 9 Dennis J. Driver
 - 10 J. W. Ponce
 - 11 J. P. Rankof
 - 12 A. H. Kite
- Guilty (5 years)



Whereas Stella Griffith of the county
this day made complaint & information
on oath be before me D R Beard a
Justice of the Said county that =
wade wood of the Said county on ^{the} 29 day
July 1906 in the Said county did
with undecent proposals to
the Said Stella Griffith & further

taking hold of her person with
the intent to assault her in the
public High way, these on there fore
in the name of the Commonwealth of Va to command
you put with to apprehend and bring the before
me or some other Justice of the Said county the
Said wade wood to answer the complaint &
to be further dealt with according to law
to Simmons James Ragen. Gore Bowman &
Edward Griffith

16 ||||| ||||| |||||

||||| |||

44

8
54
24

8 | 44

(28)

Wm. Wm.

Copy of the
revised record
warrant

||||| ||||| ||||| |||||

||||| ||||| ||||| |||||

|||||

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To J. J. Lam, a Constable of said County:

WHEREAS, Stella Griffith of the said county, has this day made complaint and information on oath before me, D. R. Beard a Justice of the said county, that

Wade Wood

of the said county, on the 28th day of July 1906, in the said county, did

with force and arms in and upon said Stella Griffith, she
then being a female over 12 years of age, to wit of the age of
20 years, violently and feloniously make an assault and upon
her the said Stella Griffith then and there, to wit on the day and year
aforsaid did attempt to commit the crime of rape by then and there
speding the said Stella Griffith and throw her upon the ground and lifting
her clothes & lying upon her & trying to have carnal intercourse with her
These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend

and bring before me, or some other Justice of the said County, the body of the said

Wade Wood

to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

James Rogers, Grover Bowman & Edward Griffith

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 6th day of August in the year 1906.

D. R. Beard

J. P. [SEAL.]

*with intent. Then and there
to ravish and carnally know
her against her will and
by force*

Commonwealth

vs.

} Arrest Warrant.

Executed the within warrant
by arresting and delivering the
body of _____

before _____
a Justice of Rockingham County
and by summoning the within
named witnesses in person, this

_____ day of _____ 190_____

Constable of Rockingham County.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To J. T. Lamm, a Constable of said County:

WHEREAS, Miss Stella Griffith of the said county, has this day made complaint and information on oath before me, J. R. Beard a Justice of the said county, that

Wade Wood
of the said county, on the 28 day of July 1906, in the said county, did

wilfully and feloniously insult the said Stella Griffith by indecent proposal and by further taking hold of her body for the purpose of criminally assaulting her person on the public highway

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

Wade Wood
to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

Jim Rodgers, Groves Bowman & Edward Griffith
to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 30 day of July in the year 1906.

J. R. Beard

J. P. [SEAL.]

Commonwealth

vs.

Arrest Warrant.

*Executed the within warrant
by arresting and delivering the
body of*.....

before.....
*a Justice of Rockingham County
and by summoning the within
named witnesses in person, this*

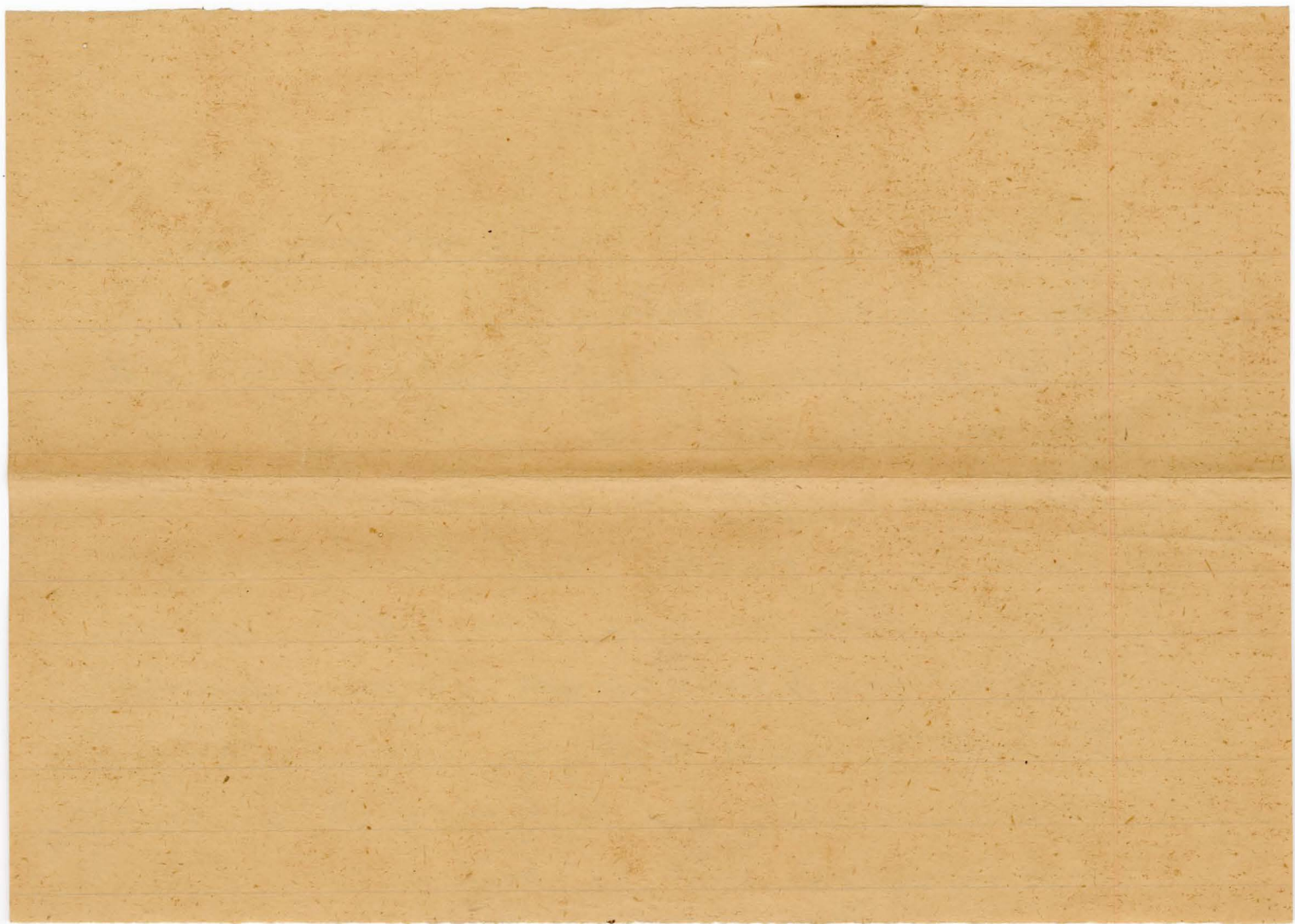
day of..... *190*.....

Constable of Rockingham County.

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

If you find the prisoner guilty - as charged in the indictment - you will say so and ascertain his punishment - which shall be death or confinement - in the penitentiary not less than three nor more than eighteen years.

If you find the prisoner not-guilty of the felony aforesaid but-guilty of assault & battery you will say so + ascertain his punishment - which shall be by fine of not less than \$500 or confinement - in jail or both



Commonwealth of Virginia, }
Rockingham County, } To-wit :

Be it Remembered that on the 12 day of June 1907 ¹⁸⁹, Wade H. Wood, J. N. Wood, W. H. Wingard, Thomas C. Webb, Samuel G. Wood, and F. A. Rhodes came before me H. W. Bestram Bail Commissioner

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said J. N. Wood, W. H. Wingard, Thomas C. Webb, Samuel G. Wood & F. A. Rhodes in the sum of Five Hundred dollars each ^{being \$2500.00} Dollars, in all good and lawful money of the United States, and the said _____ in the sum of _____ Dollars of like good and lawful money, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said Wade H. Wood shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Wade H. Wood do and shall personally appear before the Circuit ~~County~~ Court of Rockingham on the 1st day of the September Term next thereof, being the 16th day of September 1907 ¹⁸⁹, at the Court-house thereof, and then and there answer a bill of indictment ~~to be~~ preferred ^{by} the Grand Jury in and for said County against him the said Wade H. Wood for a felony by him committed, for unlawfully and feloniously assaulting Stella Griffith with intent to commit rape

whereof the said Wade H. Wood stands charged, and shall not depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

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

H. W. Bestram Bail Commissioner

Common carrier

7 { Bail Bond

Made H. Wood

Filed July 12 1907

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

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

If you find the prisoner not guilty as charged in the indictment but guilty of an attempt to commit the offense as charged in the indictment you will say so and ascertain his punishment which shall be death or in the discretion of the jury confinement in the penitentiary not less than three or more than eighteen years.

If you find the prisoner not-guilty of the offence charged in the indictment - nor guilty of attempting to commit said offence but-guilty of assault & battery, you will say so and ascertain his punishment - which shall be fine of not less than five dollars or confinement - in jail or both.

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

If you find the prisoner guilty in manner and form as charged in

the indictment you will say so and ascertain his punishment which shall in the discretion of the jury be death or confinement in the penitentiary not less than five nor more than twenty years.

If you find the prisoner not guilty as charged in the indictment

but guilty of an attempt to commit the offense as charged in the

indictment you will say so and ascertain his punishment which shall

be death or in the discretion of the jury confinement in the penitentiary

not less than three nor more than eighteen years.

If you find the prisoner not guilty of the offense charged in the indictment, or guilty of an attempt to commit some offense, but guilty of some other offense, you will say so and ascertain his punishment. While there be fire of not less than five years or confinement in jail or both.

8

The Court instructs the jury that in order to constitute the crime of attempting to commit rape, two elements are essential. one is the intent to commit the crime ^{of rape} and the ^{other} ~~other~~ is doing some act by the accused towards the commission of the crime

~~The Court in~~

The Court instructs the jury that in order to constitute the crime
of attempting to commit rape, two elements are essential, one is the
intent to commit the crime and the other is doing some act by
the accused towards the commission of the crime

The Court instructs the jury that no man has the right to have carnal intercourse with any woman, not his wife, by force and against her will and this is true even though such woman is a woman of unchaste character.

And when, as a defence to a charge of rape or attempted rape, the prisoner alleges that the prosecutrix was at the time ~~of~~ such offence is alleged to have occurred, a woman of unchaste character, the burden is upon the prisoner to sustain such allegation by evidence sufficient to satisfy the jury of such charge of unchastity.

9

The Court instructs the jury that no man has the right to have carnal intercourse with any woman, not his wife, by force and against her will and this is true even though such woman is a woman of unchaste character.

And when, as a defense to a charge of rape or attempted rape, the prisoner alleges that the prosecutrix was at the time such offense is alleged to have occurred, a woman of unchaste character, the burden is upon the prisoner to sustain such allegation by evidence sufficient to satisfy the jury of such charge of unchastity.

2710

The Court instructs the jury that by reasonable doubt is meant a doubt based upon the evidence or suggested by the evidence, or that grows out of the evidence itself. It must not be an arbitrary doubt, without evidence to sustain it. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of material fact or facts necessary for the jury to believe in order to find a verdict of conviction and not of immaterial circumstances.

See Williams v. Commonwealth 85 Va. 607.

McCue v. Commonwealth 103 Va. 870.

104

First four in -
obnoxious gain in
this case were
withdrawn for an
in Com. v. W. D. D.
Richard 1908

The Court instructs the jury that by reasonable doubt is meant
a doubt based upon the evidence or suggested by the evidence, or
that grows out of the evidence itself. It must not be an arbitrary
doubt, without evidence to sustain it. It must be serious and sub-
stantial in order to warrant an acquittal. It must be a doubt of
material fact or facts necessary for the jury to believe
to find a verdict of conviction and not of material circumstances.

McNe v. Commonwealth 103 Va. 870
See Williams v. Commonwealth 88 Va. 89

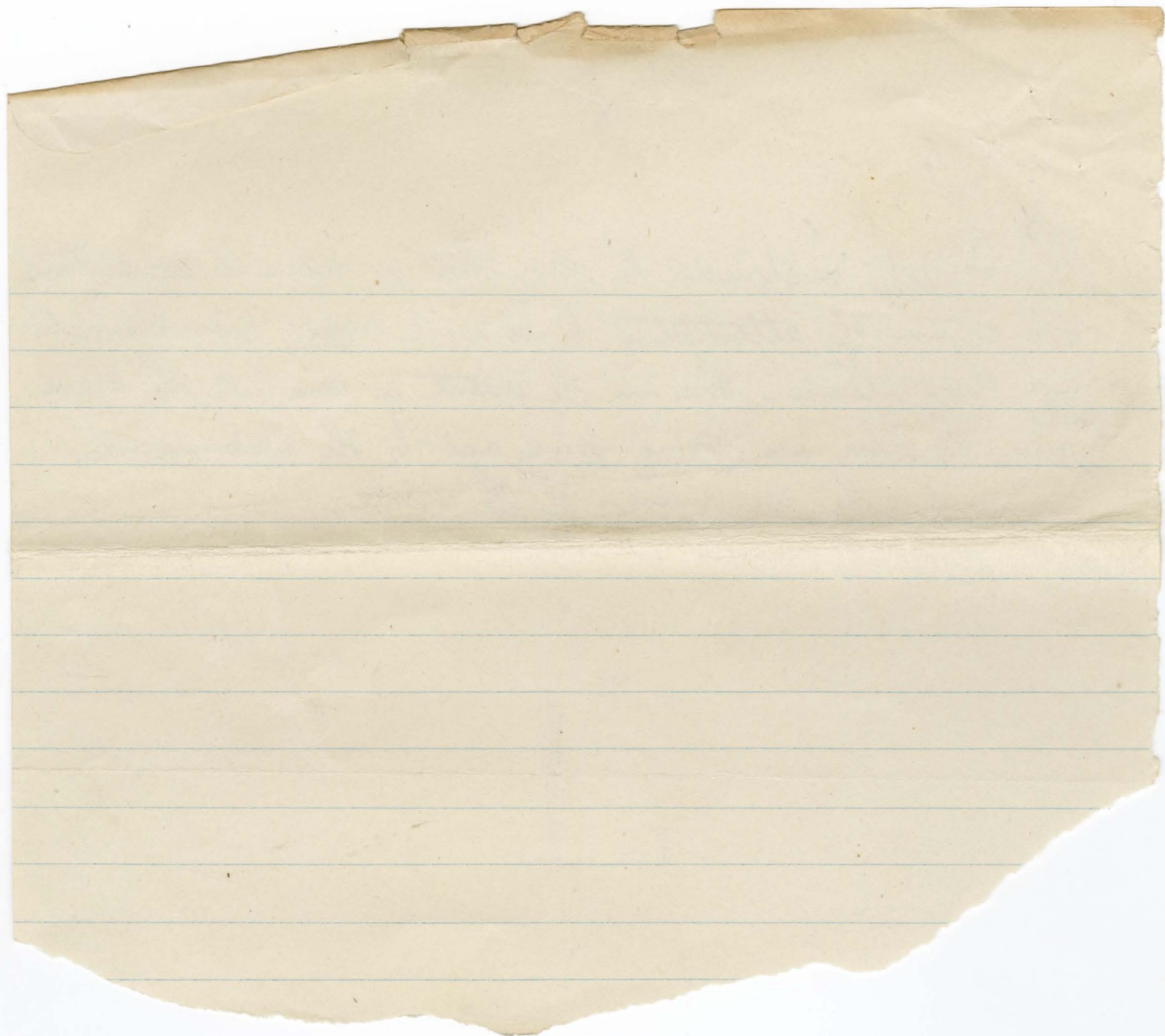
VI

The Court instructs the jury that in deciding upon the guilt or innocence of the accused, all the evidence and circumstances surrounding the case, should be carefully considered, including the character of Stella Enjeth and her former relations with the accused, as the same ^{may be} ~~are~~ disclosed by the evidence, and that the jury shall give such weight to the testimony of witnesses and the facts proven as under all the circumstances the jury deem them entitled to.

The Court indicated the fact that in
 looking upon the fact or occurrence of
 the accident, all the evidence and
 circumstances surrounding the case.
 The character of the injury was in
 former relation with the accident, as
 the same, ^{was} resulting from the accident,
 and that the fact that the accident
 to the defendant of violence and the fact
 of the accident was all the circumstances
 the fact that the accident.

8

The Court instructs the jury that in order to constitute the crime of attempting to commit rape, two elements are essential. One is the intent to commit the crime ^{of rape} and the other is doing some act - by the accused towards the commission of the crime.



The Court - instructs the jury that no man has the right - to have carnal intercourse with any woman, not his wife, by force and against - her will and this is true even though such woman is a woman of unchaste character.

And when as a defence to a charge of rape the prisoner alleges that the prosecutrix was at the time of such offence is alleged to have occurred ~~was~~ a woman of unchaste character, the burden of proving such unchastity is upon the prisoner to sustain such allegation by evidence sufficient to satisfy the jury of such charge.

Given in type

Conn.

Wood

II

Given as modified

The court instructs the jury that before they can convict the prisoner at the bar of ^{an attempt to commit rape} ~~any offense~~, they must believe beyond

every reasonable doubt : (1) ~~That the prisoner attempted to~~

~~commit the crime of rape upon Stella Griffith against her will~~

~~and without her consent~~ ; (2) That the prisoner ~~###~~ had the

intent in his mind ~~to attempt to commit~~ the crime of rape

upon the person of Stella Griffith ^{that is say that he had in his mind} ; (2) That he committed

some act or effort in the attempt to commit the crime of

rape upon the person of the said Stella Griffith : ~~###~~

*the intent
Stella Griffith*

The court instructs the jury that before they can convict the
prisoner at the bar of any offense, they must believe beyond

every reasonable doubt : (1) — that the prisoner attempted to

commit the crime of rape upon Stella Griffith against her will

and without her consent ; (2) That the prisoner had the

intent in his mind to attempt to commit the crime of rape

upon the person of Stella Griffith ; (3) That he committed

some act or effort in the attempt to commit the crime of

rape upon the person of the said Stella Griffith ; (4)

Prisoner's name

an attempt to commit rape

Prisoner's name
Stella Griffith

V.

The court instructs the jury that if they believe from the evidence that Wafe H. Wood , the prisener at the bar , put his ~~#####~~ hand on the person of Stella Griffith , with her will and consent and simply intended to have carnal intercourse with her by ~~###~~ and with her will and consent then they must find the prisoner not guilty.

The court instructs the jury that if they believe from the evidence
 that Wade H. Wood, the prisoner at the bar, put his ~~hand~~ hand
 on the person of Stella Griffith, with her will and consent
 and simply intended to have carnal intercourse with her by ~~her~~
 and with her will and consent then they must find the prisoner
 not guilty.

VI.

Given in modified form.

The court instructs the jury that in deciding the guilt or innocence of the accused ^(evidence and) all the circumstances surrounding the case must be carefully and closely examined and they must consider the character and condition of ~~#####~~ Stella Griffith and her former relation prior to that time with Wade H. Weed .

~~#####~~

~~#####~~

*Shuman
23 Apr.*

The court instructs the jury that in deciding the guilt or inno-
 -cence of the accused all the circumstances ^{evidence and} surrounding the
 case must be carefully and closely examined and they must con-
 sider the character and condition of ~~the~~ Stella Griffith
 and her former relation prior to that time with Wade H. Wood.

Order in Court's Office

VII.

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 a verdict of guilty. ~~#####~~ Therefore if any individual member of the jury after having duly considered all of the evidence in this case and after consultation with his fellow jurors should entertain a reasonable doubt of the defendant's guilt it is his duty not to surrender his own convictions simply because the balance of the jury entertain different convictions.

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 con-
 - sent a verdict of guilt. ~~Therefore~~ Therefore if any individual member of the jury after having duly considered all of the evidence in this case and after consultation with his fellow jurors should entertain a reasonable doubt of the defendant's guilt it is his duty not to surrender his own convictions simply because the balance of the jury entertain different convictions.

Revised

~~THE COURT INSTRUCTS THE JURY THAT IF THEY BELIEVE FROM THE EVIDENCE~~
~~THAT WADE H. WOOD PUT HIS HAND UPON THE PERSON OF STELLA~~

VIII.

The Court instructs the jury that if they believe from the evidence that Wade H. Wood put his hand upon the person of Stella Griffith by and with her consent, then there was no attempt upon his part to commit the crime of rape and ~~therefore~~ ~~the jury must be~~ ~~satisfied beyond every reasonable doubt~~ that she resisted him to the extent of her ability and that her will and inclination was opposed to the act of putting his hand upon her person and that any inclination, agreeing to, or favoring his putting his hands upon her must be decided by the jury in favor of the prisoner, and if the jury believe from the evidence that she permitted Wade H. Wood to take any liberties with her by her will and consent then they must find said Wade H. Wood not guilty.

s2va.

Referred

VIII.

the Court instructs the jury that if they believe from the evi-
dence that Wade H. Wood put his hand upon the person of Stella
Griffin in violation of her consent, then there was an attempt upon
his part to commit the crime of rape and ~~the jury must be~~
~~instructed that if they believe from the evidence that she resisted him~~
~~to the extent of her ability and that her will and inclination~~
~~was opposed to the act of putting his hand upon her person~~
~~and that any inclination, agreeing to, or favoring his putting~~
~~his hands upon her, must be decided by the jury in favor~~
of the prisoner, and if the jury believe from the evidence
that she permitted Wade H. Wood to take any liberties with her
by her will and consent then they must find said Wade H. Wood
not guilty.

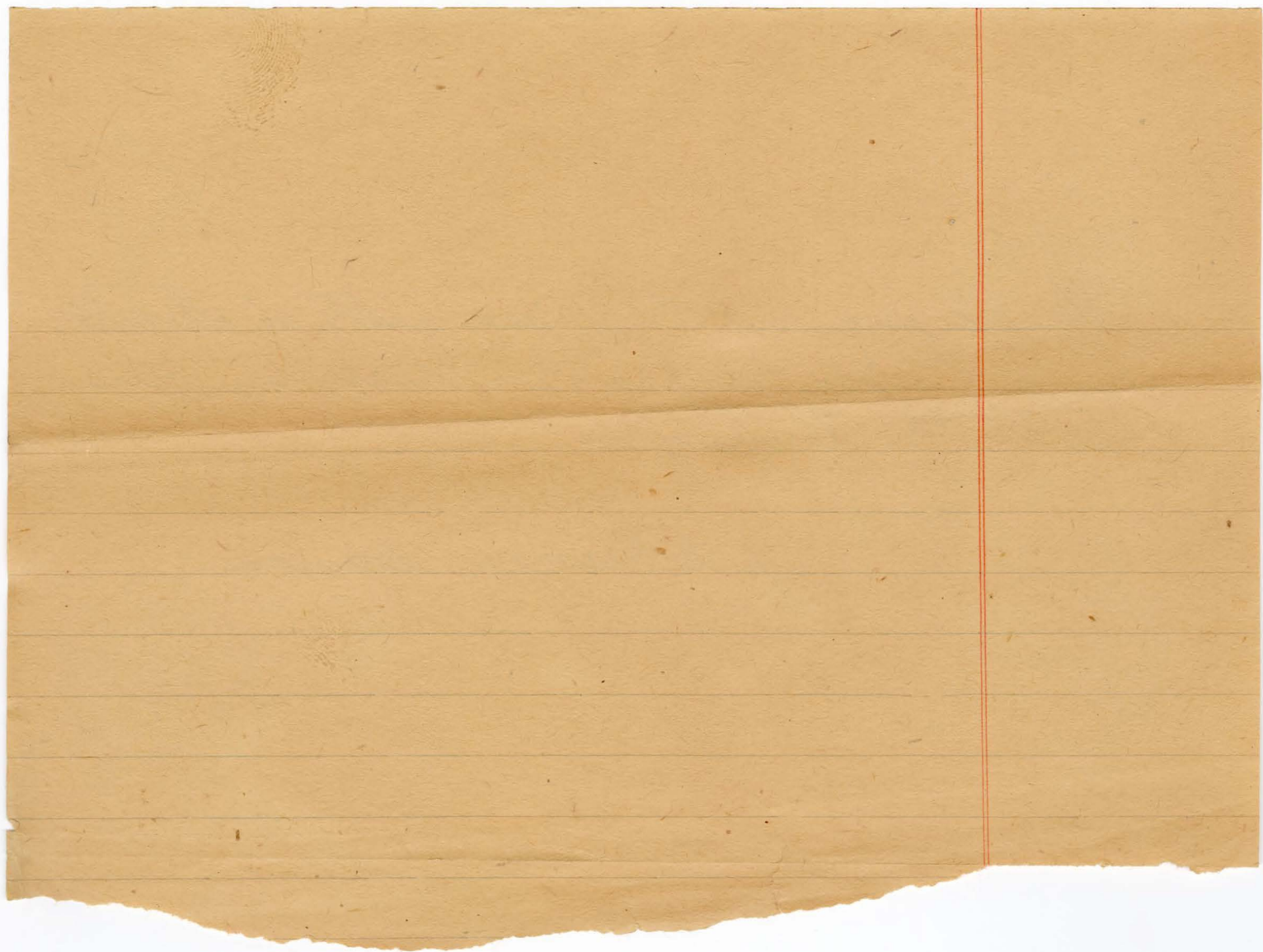
Wade H. Wood
D.M. including
referred to prison
in month of 1891

Em.

20/10

We the jury find the prisoner guilty of attempt
of rape & place his punishment at ten years
in the penitentiary.

S. B. Harman Foreman.



Commonwealth of Virginia,

COUNTY OF Rockingham, TO-WIT:
IN THE ~~COUNTY~~ ^{Circuit} 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 September term, in the year 1906, upon their oaths present that Wade H. Wood

on the 28th day of July, in the year 1906, in the said County, with force and arms in and upon one Stella Griffith, the said Stella Griffith then being ^{a female} over the age of fourteen years, to wit, of the age of twenty years, violently and feloniously did make an assault, and her the said Stella Griffith then and there, to wit, on the day and year aforesaid, in the County aforesaid, feloniously did ravish and carnally know, against her will and by force

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of James Rodgers Cleveland Brown
Stella Griffith David Griffith
witness sworn in open

Court and sent to the Grand Jury to give evidence.

, Clerk.

Commonwealth

INDICTMENT FOR A

178. } *Johnson*

Made 26. Wood

A TRUE BILL.

Peter R. ...

Barman

1907 *Johnson*

arranged in N.Y.

~~not to have been ...~~

~~July 21, 1907~~

Att 10.00

Chm 2.50

July 86.26

Wic 18.77

Exp 6.40

" 4.40

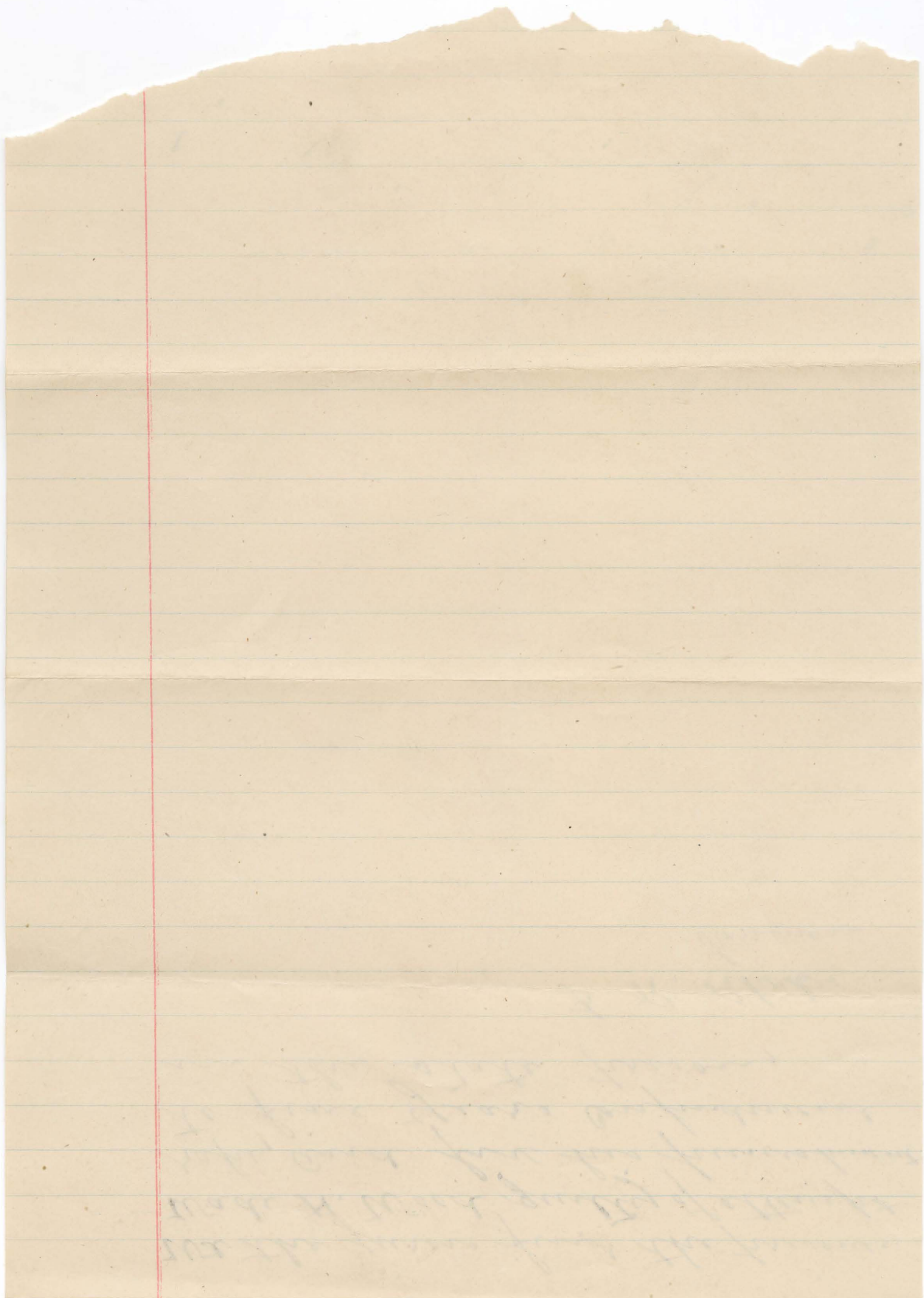
Justice to ...
Justice to ...

128.83

The the jury found the prisoner Wade J. Wood not guilty of rape as charged in the indictment. ...
Change of venue of the case ...
Crime of rape ...
sent to obtain his punishment at confinement in the penitentiary for the term of five years.
F. R. Rhodes Prisoner

We the jurors find the prisoner
Wade H. Wood guilty of attempt
rape, and fix his punishment
to five years confinement
in the state prison,

F. R. Rhoads
Foreman



SUPERINTENDENT OF THE VIRGINIA PENITENTIARY.

SIR:

It appearing that Wade H. Wood #7422 No. _____
a prisoner confined in the Virginia Penitentiary for a term of 5 years, under sen-
tence pronounced by the Circuit
Court of Rockingham County at the
October term, 1907

has served out half of the term of imprisonment for which he was sentenced, as
shown by the prison records, and it further appearing that the said
Wade H. Wood #7422 No. _____
is a fit person to receive a parole, and having furnished satisfactory assurance that
he will not be dependent upon public or private charity; now therefore,

We, the Board of Directors of the Penitentiary of the State of Virginia, in pur-
suaunce of authority vested in us by Act of Assembly, approved March 7, 1904, do parole the
said Wade H. Wood #7422 No. _____
during the remainder of his term of sentence, upon the following conditions—
viz: That he shall at all times during this parole conduct him self as
an honest, sober, peaceable, industrious, and law-abiding citizen; that he
accept and continue in the employment secured for him as per employment cer-
tificate hereto attached; and that he shall at all times be respectful and obedi-
ent to his employer, and report in writing to the Superintendent of the Peniten-
tiary at least once a month.

J. H. Patten
President Board of Directors publ

I understand the terms of this my parole and agree to perform all its conditions.

Wade H. Wood No. 7422

Witness, O. Sambrick

Date May 23, 1910

A Copy

SUPERINTENDENT OF THE VIRGINIA PENITENTIARY

It appearing that _____
prisoner confined in the Virginia Penitentiary for a term of _____
years, under sen-
tence pronounced by the _____
Court of _____
October _____
term, 19 _____

has served out his term of imprisonment for which _____
and it further appearing that the said _____
is a person _____
will not be dependent upon public or private charity; now therefore,
We, the Board of Directors of the Penitentiary of the State of Virginia, in pur-
suance of authority vested in us by Act of Assembly, approved March 7, 1904, do parole the
said _____

FILED
MAY 24 1910
D. H. LEE MARTIN
CLERK

Ward A. Wood
Parole

during the remainder of _____
vi: That _____ shall at all times during this parole conduct _____
an honest, sober, peaceable, industrious, and law-abiding citizen; that _____
accept and continue in the employment secured for _____ as per employment cer-
tificate hereto attached; and that _____ shall at all times be respectful and obedi-
ent to _____ employer, and report in writing to the Superintendent of the Peniten-
tary at least once a month.

President Board of Directors

I understand the terms of this my parole and agree to perform all its conditions.

No. _____

Witness _____
Date _____