

G. N. C.  
J. B. S.

D. O. D.

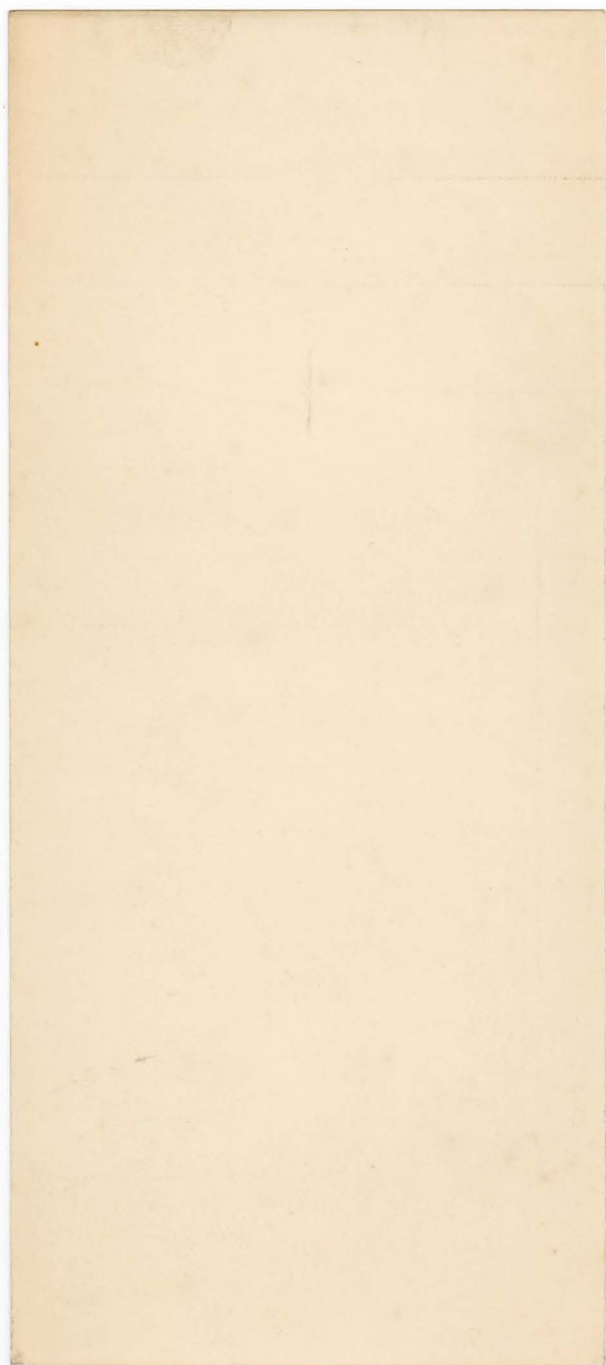
Commencement

Jan

J. S. Zinkle

- |   |                  |      |
|---|------------------|------|
| 1 | G. L. Rogers     | 3.00 |
| 2 | L. W. J. Neff    | 4.40 |
| 3 | Amber B. Myers   | 5.00 |
| 4 | J. S. Begon      | 4.80 |
| 5 | Jos. E. Kistner  | 3.60 |
| 6 | Jos. A. Garber   | 4.60 |
| 7 | Michael C. Davis | 5.00 |

930.40



Commonwealth

of

T. S. Zittle

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C. L. Rogers.

L. H. J. Hoff

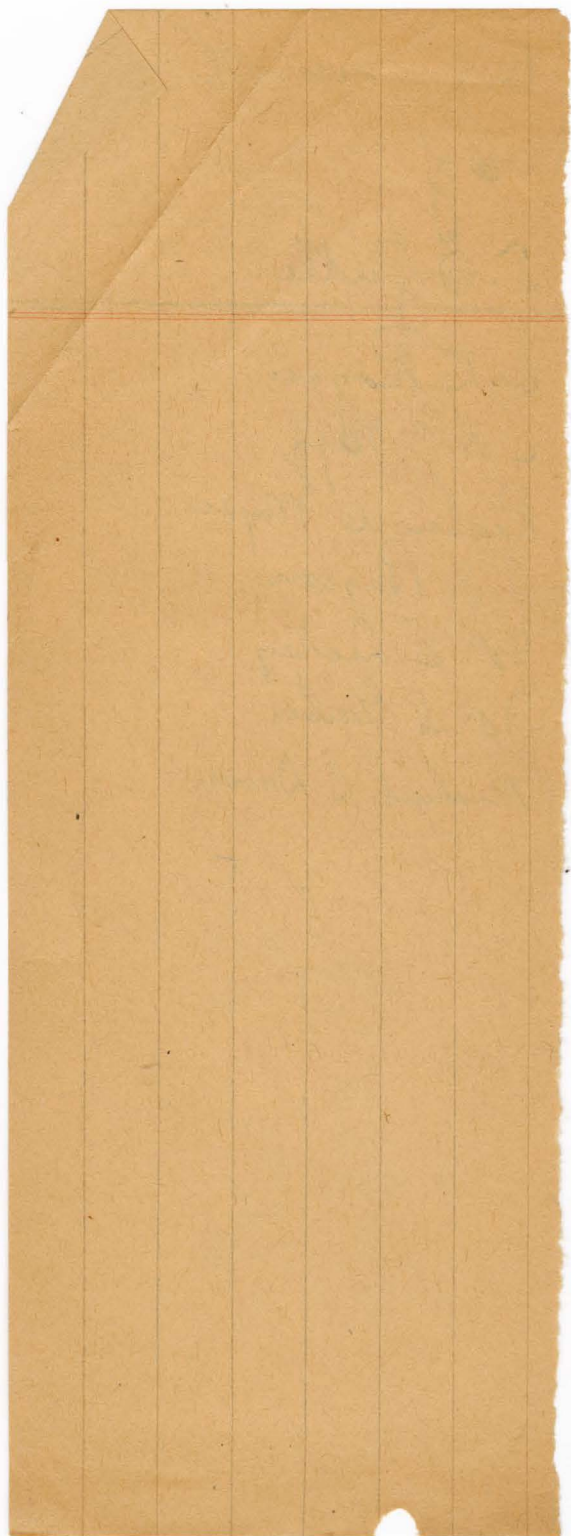
Reuben C. Myers

J. J. Begon

W. E. Litley

W. H. Gable

Michael L. Downer





*In the County of Rockingham*  
STATE & VIRGINIA: Corporation of Mt. Crawford, to-wit:

TO THE SERGEANT OF MT. CRAWFORD CORPORATION:

*Sheriff of Augusta County*

Whereas *V. B. St. Louis & Frank H. Sage* of the said County and Corporation has this day made complaint on oath before me, *M. Lindon* and *ex-officio Justice of the Peace of said County* Mayor of said Corporation, that *T. S. Ginkle* on the

day of *June* in the year *189*<sup>*1908*</sup>, in the said County and Corporation, did *Drive his Automobile, No. 1228, faster than 12 miles an hour within the corporate limits of the town of Mt. Crawford, in violation of the laws of the State of Virginia*

These are, therefore, to command you forthwith to *Summon* apprehend the said

*T. S. Ginkle* and bring *him* before me, or some other Justice of the said County to answer the said complaint, and to be further dealt with according to law.

Given under my hand and seal this *6<sup>th</sup>* day of *June* in the year *1891908*

*M. Lindon* Mayor [SEAL.]  
*of Mt. Crawford, and ex-officio, Justice of the Peace of said County*





The jury are instructed that the burden is upon the Commonwealth to prove, beyond every reasonable doubt, every fact essential to the guilt of the accused, and that the Defendant is entitled to be acquitted if the Commonwealth has failed to so prove any such essential fact beyond every reasonable doubt.



The jury are instructed that the burden is upon the Complainant to prove, beyond every reasonable doubt, every fact essential to the guilt of the accused, and that the defendant is entitled to be acquitted if the Commonwealth has failed to so prove any such essential fact beyond every reasonable doubt.



Sec. 1. of the act provides that it shall be unlawful for any person x x x "to run, drive, or operate" an automobile x x x except and until such person shall comply with sec. 2 of the act. It is manifest here that the words "run", "drive" & "operate" are used as synonymous & interchangeable. Sec. 2 requires "every owner of a machine" to register it, but it is clear that the words "every owner" are not to be taken in a broad sense, for the requirement of registration does not apply to an owner of a machine or of machines who does not use <sup>them</sup> but keeps <sup>them</sup> only for sale. The "every owner" then who is required to register is the owner who "runs, drives or operates" his machine. Can it be said that an owner who runs, drives or operates his machine through the instrumentality of another, sitting by his side does not "run, drive or operate" the machine & therefore is not required to register. If not, an owner may be a "driver" or an "operator".

tho' he does not do the mechanical labor  
with his own hand, — at least within the  
meaning of those terms as used in sec.  
1. of the act. — Within the meaning of that  
sec., the owner is the "operator" of the machine  
is run under his control — While the word  
"operator" in sec. 5, may be more restricted  
in its application, possibly than the word  
"operate" in sec. 1., I do not think it  
is to be so narrowly limited as counsel  
for accused contend, but is to <sup>be</sup> understood  
to extend to and include the master  
in control of his own machine tho' not  
actually engaged in its mechanical  
operation. — J. G. H.

Done  
in  
presence



Revised

The jury are instructed that in order to a conviction of the  
the  
Defendant on a charge contained in the warrant, it is essential  
that the Commonwealth shall have proven beyond a reasonable doubt  
that the Defendant, in fact, operated the automobile therein referred  
to, on a public highway, in the town of Mt. Crawford, and that a  
failure of the Commonwealth so to prove such fact entitles the De-  
fendant to an acquittal.

In the argument of this instruction by counsel,  
the interpretation put upon it by both sides was  
that the jury must believe that the accused personally  
performed the labor required in the mechanical  
operation of the machine -  
J. M. H.



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Revised

The jury are instructed also that even though they believe from the evidence that <sup>car</sup> No. 1228 named in the warrant passed through the town of Mt. Crawford on the 2d day of June 1908, and that the Defendant was at that time an occupant of the car, yet this is insufficient to support a finding that the same was being operated by him.



Report

The first and important step in the investigation of the accident was to determine the position of the car at the time of the collision. This was done by measuring the distance from the car to the point of impact. The car was found to be 100 feet from the point of impact. This distance was measured by a chain and was found to be correct within a few feet. The car was found to be in the same position as it was at the time of the collision. This was proved by the fact that the car was found to be in the same position as it was at the time of the collision. This was proved by the fact that the car was found to be in the same position as it was at the time of the collision.



Revised

The jury are instructed that the entries in the toll books introduced in evidence in this case, are not evidence tending to show that the machine mentioned in the warrant was operated by the Defendant in this case while passing through Mt. Crawford.

Page 3

The jury are instructed that the entries in the toll books  
produced in evidence in this case, are not evidence tending to  
show that the machine mentioned in the warrant was operated by  
the defendant in this case while passing through the gateway.

Can,

v

Guthrie

Replead

Instructions