G. N. C. D. O. D.

Commonwealth

Jury } Filing

John D. Shoemaker

1 Peter S. Hartman 9
2 David N. Whitman 24
3 Samuel C. Gowan 25
4 George C. Dowell 66
5 Samuel C. Weast 25
6 F. A. Willis 14
7 James W. Cochran 22
8 J. S. Moore 22
9 S. Perry Figer 16
10 Chas. S. Shoemaker 7
11 Jacob W. Hilbert 16
12 Geo. W. Armentrout 55

Commonwealth.

John D. Shwalter.

Peter S. Hartman

~~Jacob H. Bowman~~

David W. Whitmer

Samuel C. Gordon

Geo. C. Dowell

Samuel E. Weast

J. A. Hillis.

James H. Leilhorn

J. S. Morrie

S. Perry Infer

Chas. S. Shwalter

Jacob M. Hilbert

Geo. W. Cementrout

~~H. H. Steele~~

~~J. A. Neff~~

~~D. S. Hallison~~

Sep the 4

Dayton Va

My Dear little girl will do as
I said and If you want
to come to bridgewater
saturday will meet you
at the station hope you
will not think me mean
for I would like very much
to see you. If I do with
you to come If not will
send you what I said and
hope to see you saturday
tell Mrs Hell o and
to come with you If you come

will be at the station
to see you unless it is
raining Well little girl
will close as it is late
excuse bad writeing and
take all mistakes for
kisses by by
But Not forever

Yours truly J D Shoaks

If you do not come write
real soon

Lewisville Depot 2/21/86

I this day and for
all time do positively
refuse to prosecute
John D Shoemaker.
and ask the Court to
drop the warrant and
to release him as he
is not the guilty party.

Miranda Wheel.


Sunset after Rain,
The Old Cottages, Bray.

TUCK'S POST CARD.

CARTE POSTALE. | POSTKARTE

If sent Abroad, this Space may only be used for Name and Address of Sender.

(For Address Only).

Registered in Europe

Trade Mark

From Bob Johnson

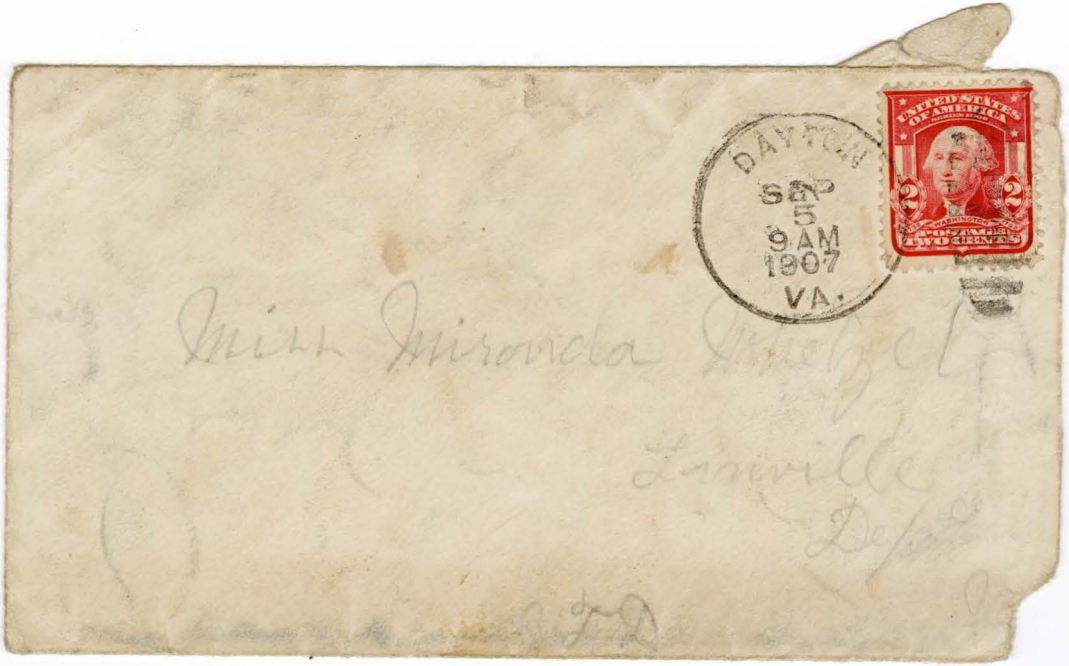
Brigewater

Virginia.

Raphael Tuck & Sons "AQUARETTE" (Regd.) Postcard 6422.

"Up the River." Series 3.

Art Publishers to their Majesties the King & Queen.


DAYTON
SEP
5
9 AM
1907
VA.
UNITED STATES OF AMERICA
POSTAGE
TWO CENTS
2
2
Miss Miranda Snebel
Lanville
Dep


VILLE DE
SEP
5
2

173 HEART'S EASE


NATIONAL ART COMPANY
TRADE MARK
POST CARD
POST-KARTE
CARTE POSTALE
INTED STATES OF AMERICA
BEN FRANKLIN 1706
POSTAGE
ONE CENT
Mrs Linda Sharpe
Lizzie
73 r 18 d 1½
1/
B #1

LET US GET TOGETHER

A. H.—26

Post Card

THIS SIDE FOR THE ADDRESS

3

Mrs Mordy Weigel
Zionsville Ind

be good and I will see
you in the Sweet
By & By

A Toast

It is easy enough to be
pleasant
When life goes
along like a song;

But the man worth
while,

Is the one with a smile,
When everything goes dead wrong.

 10.4.19.

POST CARD

Miss Maranda Kretzel
Limville Depot
Pa


Easter
Greeting

April 1 1907

Easter Sunday

Post Card.

Place
One Cent
Stamp
Here.

Miss Minorida Wetzel

Linville

Depot Va

Post Card

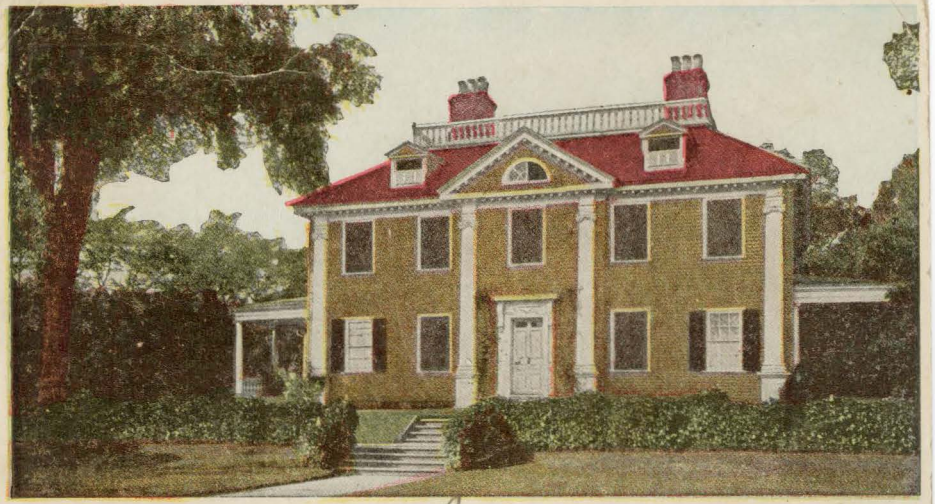
THIS SPACE MAY BE USED FOR CORRESPONDENCE.

FOR ADDRESS ONLY.

Miss Miranda Wheetzel

Linville

Depot Rt #23



LONGFELLOW'S HOME

N.

first Sunday in May,
Johnny was here Thisend

PLACE POSTAGE
STAMP HERE

DOMESTIC AND
CANADA
ONE CENT

FOREIGN
TWO CENTS

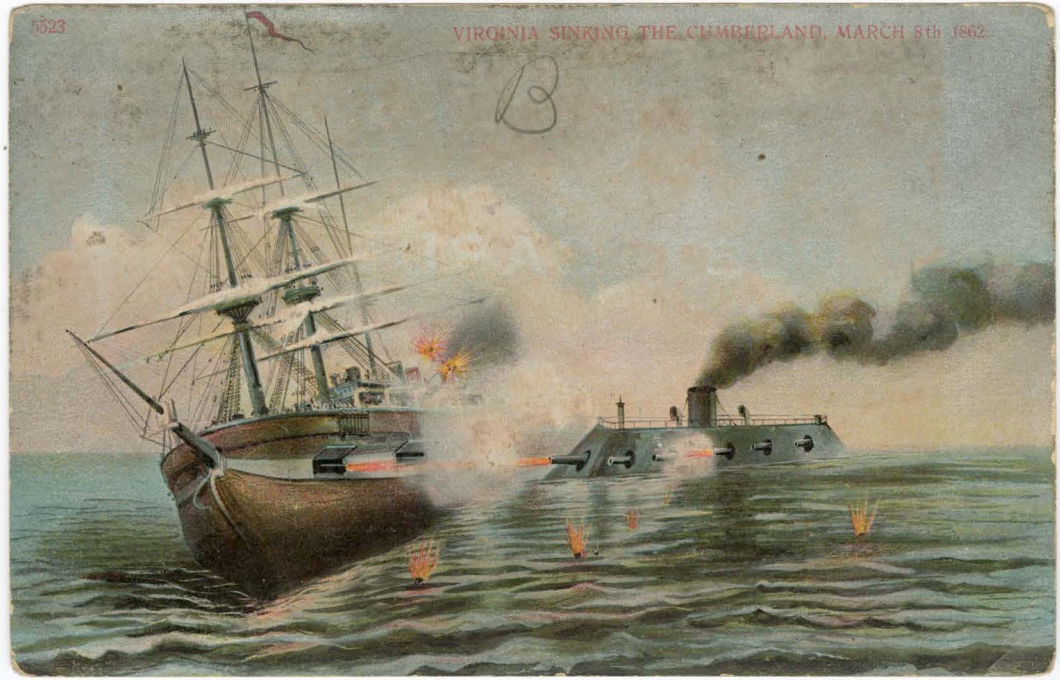
POST CARD

From J4h8 10h4w1692r.

63r3442 D2P49,

V3r2383 1,

THIS SIDE FOR THE ADDRESS ONLY


5523
VIRGINIA SINKING THE CUMBERLAND, MARCH 8th 1862.

Post Card.

Place the Stamp Here
One Cent for
United States, and
Island Possessions,
Cuba, Canada and
Mexico.
Two Cents
For Foreign.

From John H. S.
Bridgewater
Virginia

176 EN VOYAGE

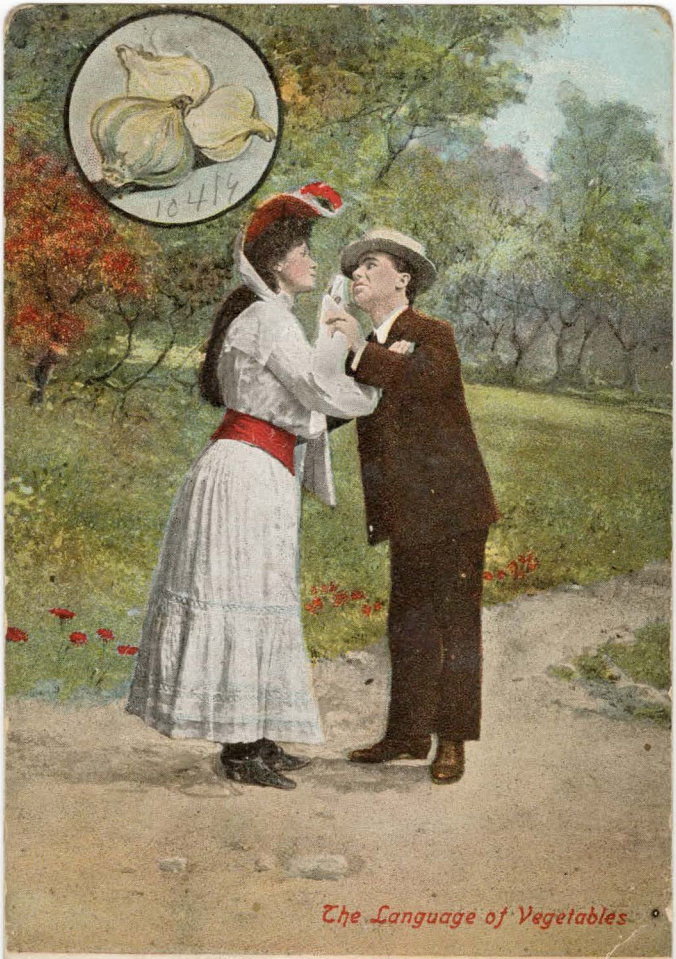
This Space For Writing Messages

POST CARD

Received your card all ok. thank you very much. will be id 4 w 8.10.09
your friend
Bob Johnson

Miss Amanda Whetzel
Linville
Va

THIS SIDE FOR THE ADDRESS



Onions—Tears without grief. { He—"I was to blame." / She—"No, no. 'Twas I."

SOUVENIR POST CARD

Valentine's Series
Printed in Great Britain

LINVILLE, JUL 31 P.M. 1907 VA.

ROCKINGHAM, JUL 31 1907 VA.

Miss Miranda Whetzel

Linville

Depot Va

Museum


Birthday Greetings.

Postkarte — Carte postale — Weltpostverein

Union postale universelle — Post card — Correspondenzkarte — Levelezö-Lap
Karta korespondencyjna — Korespondenční lístek — Briefkaart — Dopisnice
Cartolina postale — Brevkort — Открытое-письмо. — Brefkort — Tarjeta postal.

FEB 20 5 PM 1907 VA.

Miss Marionda
Wetzel
R.F.D. 24
in care of
J. W. Showalter

/9

18.5.19.

this is me

2

POST CARD

PLACE
STAMP
HERE

THIS SPACE FOR MESSAGE

THIS SPACE FOR ADDRESS ONLY

POST CARD

THIS SIDE FOR ADDRESS ONLY

Place Postage Stamp Here

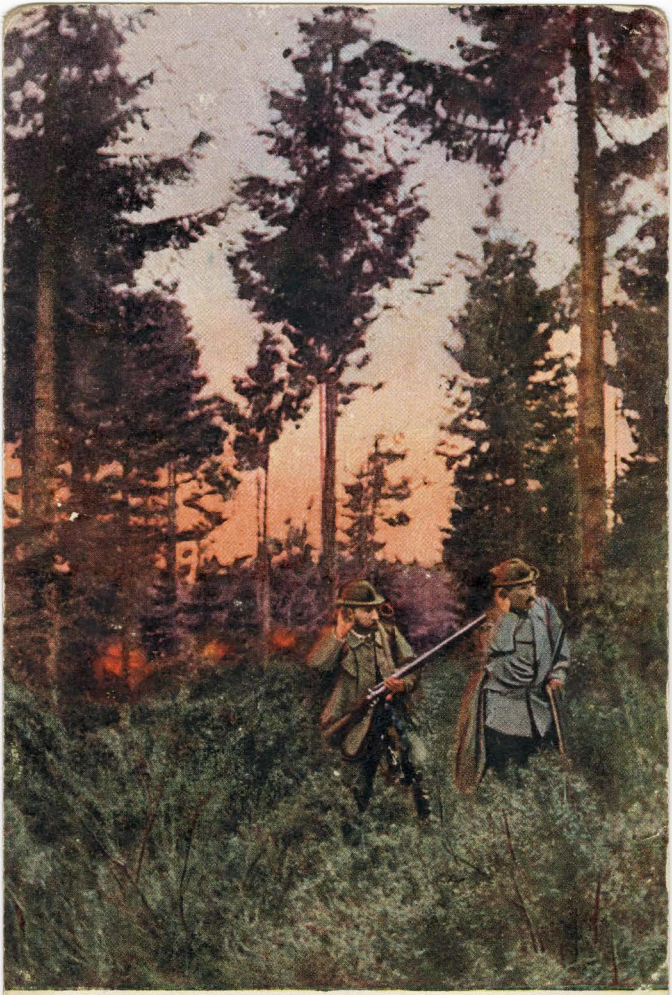
Domestic and Canada One Cent

Foreign Two Cents

from J. L. S.

Lemville Depot

Box 62 Virginia



He calls.

GERMAN AMERICAN NOVELTY ART SERIES No. 448.
German American Novelty Art Postcard Publ. Co., A. Stroefer, New York. (12 Dess.)
PRINTED IN GERMANY.

POST CARD

JUL 16 1907 P.M. VA.

Miss. Miranda. Whetzel

Linville Depot Va

THIS SIDE FOR THE ADDRESS ONLY.


SLEEP SWEETLY IN THIS
PLEASANT ROOM O THOU
WHO E'ER THOU ART!
AND LET NO MOURNFUL YESTERDAYS
DISTURB THY PEACEFUL HEART.
NOR LET TOMORROW MAR THY REST
WITH DREAMS OF COMING ILL.
THY MAKER IS THY CHANGELESS FRIEND,
HIS LOVE SURROUNDS THEE STILL.
FORGET THYSELF AND ALL THE WORLD.
PUT OUT EACH FEVERISH LIGHT.
THE STARS ARE SHINING OVERHEAD
SLEEP SWEET! GOOD NIGHT!
GOOD NIGHT!

Post Card

LINVILLE DEPOT
AUG 17 P.M. 1907
VA.

Miss Miranda Wetzel
Linville Depot

S

THIS SIDE IS EXCLUSIVELY FOR THE ADDRESS.

R. H. 23

Publ. by J. I. Austen Co., Chicago.—396.

State of Virginia,

County of Rockingham, to-wit:-

I, A. U. Lewis, a Notary Public, in and for the County of Rockingham, in the State of Virginia, do certify that this day personally appeared before me, in my county aforesaid, Curtis Reedy and made oath:

That either on the last Sunday night in February, 1907, or the first Sunday night in March, 1907, he, in company with one Jacob R. Myers, was at a meeting then in progress at the Mount Zion Church, in Rockingham County, having, with the said Myers, left said meeting and gone into some woods near by for the purpose of answering a call of nature, they saw Miranda C. Wetzell, the prosecuting witness in the case lately tried in the Circuit Court of Rockingham County, Virginia, of the Commonwealth v. John D. Showalter, in the act of sexual intercourse with one Frank Lloyd;

That the said Curtis Reedy has known the said Miranda C. Wetzell for some four or five years, and has likewise known the said Frank Lloyd for about one year; and that there is no doubt as to the identification of the parties, or as to the fact of the sexual intercourse aforesaid.

Given under my hand this 18th day of April, 1908.

Curtis Reedy

Subscribed and sworn to before me,
in my said county, this 18th day of
April, 1908.

A U Lewis N. P.

Carles Reedy

Filed April 18. 1908.
O H Lee Marshall

State of Virginia,

County of Rockingham, to-wit:-

I, A. U. Lewis, a Notary Public, in and for the County of Rockingham, in the State of Virginia, do certify that this day personally appeared before me, in my county aforesaid, Jacob R. Myers, and made oath:

That either on the last Sunday night in February, or the first Sunday night in March, 1907, he, in company with one Curtis Reedy, was at a meeting then in progress at Mount Zion Church, in Rockingham County, having with the said Reedy left said meeting and gone into some woods near by for the purpose of answering a call of nature, they say Miranda C. Wetzell, the prosecuring witness in the case lately tried in the Circuit Court of Rockingham County, Va., of Commonwealth v. John D. Showalter, in the act of sexual intercourse with one Frank Lloyd;

That the said Jacob R. Myers has known the said Miranda C. Wetzell for some four or five years, and has likewise known the said Frank Lloyd for about one year; and that there is no doubt as to the identification of the parties, or as to the fact of the sexual intercourse aforesaid.

Given under my hand this 18th day of April, 1908.

Jacob R. Myers.

Subscribed and sworn to before me,
in my said county, this 18th day of
April, 1908.

A U Lewis N. P.

Jacob R. Meyers

Filed April 18. 1908
Ottie Marty Clerk

State of Virginia,

Rockingham County, to-wit:-

I, A. U. Lewis, a Notary Public, in and for the County of Rockingham, in the State of Virginia, do certify that this day personally appeared before me, in my county aforesaid, Jacob S. Showalter, and made oath as follows:

That he is a brother of John D. Showalter who, at the March term, 1908, of the Circuit Court of Rockingham County, Va., was convicted of the offense of secuction of one Miranda C. Wetzell;

That since the said conviction, to-wit, on the 16th day of April, 1908, he had a conversation with one S. M. Mohler by whom he was informed that he, the said Mohler, understood that Curtis Reedy and Jacob R. Myers, since the trial and conviction of the said John D. Showalter aforesaid, had stated that they were in possession of certain information which in their opinion might have tended to acquit the said John D. Showalter of the offense aforesaid;

That he, acting upon this information so received from said Mohler, visited the said Curtis Reedy and Jacob R. Myers and ascertained from them that they had seen said Miranda C. Wetzell, the prosecuting witness in the prosecution aforesaid, in the act of sexual intercourse with one Frank Lloyd.

Given under my hand this 18th day of April, 1908.

J. S. Showalter

Subscribed and sworn to before me,
in my county aforesaid, this 18th day
of April, 1908.

A U Lewis N. P.

Filed April 18. 1908.
Byrle Mattingly Clerk

Lacey & Showalter

State of Virginia,

County of Rockingham, to-wit:-

I, A. U. Lewis, a Notary Public, in and for the County of Rockingham, in the State of Virginia, do certify that this day personally appeared before me in my said county, John D. Showalter, who made oath as follows:

That since the trial of the case of Commonwealth v. John D. Showalter at the March term, 1908, of the Circuit Court of Rockingham County, Virginia, he has discovered certain evidence which he believes to be material and which ought, upon a new trial of his said case, to produce a verdict of acquittal.

That he had no knowledge or means of knowledge of the evidence referred to prior to or at the trial aforesaid, which evidence consists of the statements of Jacob R. Myers and of Curtis Reedy that sometime either in the latter part of February or the first part of March, 1907, they had seen Miranda C. Wettzell in the act of sexual intercourse with one Frank Lloyd, which act of intercourse was prior to the time at which in said prosecution it was charged by the said Miranda C. Wetzell that affiant had sexual intercourse with her.

Given under my hand this 18th day of April, 1908.

J D Showalter

Subscribed and sworn to before me,
in my county aforesaid, this 18th day
of April, 1908.

A U Lewis N. P.

Filed August 18. 1908.
Office Marshal

Lumville LD Depot

I this day and ~~at~~ all times do positively refuse to prosecute John D Shurvall and ask the court to release him as he is not the guilty party Miranda Whyte

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 be confinement in the penitentiary not less than two nor more than ten years.

I.

The court instructs the jury that the prisoner at the bar is presumed to be innocent until his guilt has been proved beyond every reasonable doubt, and this presumption goes with and remains with the prisoner throughout the trial , until every fact essential to his conviction is proven beyond every reasonable doubt and to the exclusion of every reasonable hypothesis consistent with his innocence .

I.

The court instructs the jury that the prisoner at the bar is presumed to be innocent until his guilt has been proved beyond every reasonable doubt. and this presumption goes with and remains with the prisoner throughout the trial, until every fact essential to his conviction is proven beyond every reasonable doubt and to the exclusion of every reasonable hypothesis consistent with his innocence.

Instruction No. 6.

The Court instructs the Jury that though they may believe from the evidence there are circumstances which afford strong ground of suspicion against the accused, ~~yet~~ yet circumstances of suspicion merely, without more conclusive evidence, are not sufficient to warrant the conviction of the accused.

~~Tilly v. Commonwealth, 90 Va. 105.~~

III

The court instructs the jury that if ~~any one~~ Either of the ~~above~~ foregoing elements of the crime is not proven by the Commonwealth beyond every reasonable doubt, then they must find the accused not guilty.

IV.

The court instructs the jury that although they may believe from the evidence that the facts proven in the case are consistent with the guilt of the prisoner, yet if at the same time they believe the facts proven are consistent with his innocence they must find him not guilty.

III

The court instructs the jury that if ~~any one~~ either of the ~~above~~ following elements of the crime is not proven by the Commonwealth beyond every reasonable doubt, then they must find the accused not guilty.

IV.

The court instructs the jury that although they may believe from the evidence that the facts proven in the case are consistent with the guilt of the prisoner, yet if at the same time they believe the facts proven are consistent with his innocence they must find him not guilty.

II

The Court instructs the jury that before they can convict the prisoner at the bar of an attempt to commit the crime of rape, they must believe beyond every reasonable doubt (1) that the prisoner had the intent in his mind to commit the crime of rape upon the person of ~~Stella Griffith~~ Flora Finchum; that is to say, that he had in his mind the intent to have carnal intercourse with said ~~Stella Griffith~~ Flora Finchum by force and against her will; and (2) that he ~~committed~~ did some act in and towards ~~or effort in the attempt to commit~~ the commission or consummation of the crime of rape upon the person of the said ~~Stella Griffith~~ Flora Finchum

Instruction No. 1.

The Court instructs the Jury that the previous chastity of Miranda C. Wetzell, the prosecutrix, is presumed by law and that the burden of impeaching it rests upon the accused.

~~[illegible] Case, 90 Va., 830;~~

~~[illegible] Case, 2 Va. L. R., p. 676; and~~

~~[illegible]'s Case, 8 Va. L. R., p. 451, &c.~~

Instruction No 2.

The Court instructs the Jury that by the word seduction used in other instructions in this case is meant securing the consent of the female to unlawful sexual intercourse by enticements and influences which overcome her scruples. To seduce is to lead astray from the path of virtue.

[redacted].

Instruction No. 3.

The Court instructs the Jury that when it is said in other instructions that conviction in a case of this character cannot be had upon the testimony of Miranda C. Wetzell unsupported by other testimony, it is meant that the evidence against the accused must not rest wholly upon her credibility, but that there must in addition be evidence that adds to, strengthens, confirms or corroborates hers, as to the promise of marriage and seduction by the accused.

[redacted].

Instruction No. 4.

The Court instructs the Jury that in order to convict the prisoner John D. Showalter the prosecution must prove to the satisfaction of the Jury beyond every reasonable doubt: First, that at the time of the alleged seduction there was an actual promise of marriage between the said Showalter and Miranda C. Wetzell; second, that the act of seduction was done by the said Showalter and accomplished after and by means of said promise of marriage;

Instruction No. 4.

The Court instructs the Jury that in order to convict the prisoner John D. Brownlee the prosecution must prove to the satisfaction of the Jury beyond every reasonable doubt: First, that at the time of the alleged seduction there was an mutual promise of marriage between the said Brownlee and Miranda C. Wetzell; second, that the act of seduction was done by the said Brownlee and accomplished after and by means of said promise of marriage;

Instruction No. 5.

The Court instructs the Jury that the facts of the promise of marriage and the seduction cannot be proved by the unsupported testimony of Miranda C. Wetzell, but there must be some corroborating evidence in addition to hers to support each of said facts of the promise of marriage and the seduction.

Com.
v
Jno. D. Stewartes
Instructions to
Jury

and, third, that said Miranda C. Wetzell yielded to said seduction by reason of said promise and not for some other reason or to gratify her own criminal desires.

The last paragraph refused because it states as a 3d ~~distinct essential of~~ proof an element already embodied & expressed in the 2d paragraph & is therefore calculated to mislead the jury by making them believe that something more is required than seduction by means of a promise of marriage - and because paragraphs 1st & 2d of this instruction are "in themselves sufficient to guide the jury in their deliberations" - Fitch's case, 99 Va. p. 792

J. M. H.

Refused

Instruction No. ____.

The Court further instructs the Jury that in considering the last instruction they cannot treat the mere fact that the prisoner John D. Showalter prior to the alleged seduction showed attentions to the said Miranda C. Wetzell as corroborative of her claim that she and the prisoner were under mutual promise of marriage.

Same instruction, after refusal, offered with amendment by insertion of word apparently after "as" & before "corroborative" refused

Com.

v

Jno. D. Shoemaker

Instructions offered by prisoner & refused

Commonwealth of Virginia,

COUNTY OF ROCKINGHAM, To-wit:

IN THE 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 March term, in the year 1908, upon their oaths present that John D. Showalter

on the 18th day of May, in the year 1907, in the said County, did under promise of marriage to one Miranda C. Whetzel an unmarried female of previous chaste character, unlawfully and feloniously seduce and have illicit connection with and carnal knowledge of, the body of her the said Miranda C. Whetzel

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Miranda C. Whetzel Julia Ann Whetzel Mary Ealin Sallie Bixler witness... sworn in open Court and sent to the Grand Jury to give evidence.

.....Clerk.

Commonwealth

vs. { **INDICTMENT.** for a Felony

John D. Stowallen

A TRUE BILL.

J. B. D. Rhodes

Foreman.

Monday March 5/01

We the jury find the prisoner guilty as charged in the indictment and fix his punishment at three years in the penitentiary.

J. B. D. Rhodes
Foreman.

S. C. 160 5-24-09 1M.

Commonwealth of Virginia,

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

WHEREAS, *at a* Circuit *Court held in and for the* County *of* Rockingham *in the month of* April, *in the year one thousand nine hundred and* eight

John D. Showalter 7778

was convicted of Seduction

and was thereupon sentenced to be imprisoned in the Penitentiary *for the term of* three years, *and whereas it appears to the executive that he is a fit subject for clemency,*

THEREFORE, *I, CLAUDE A. SWANSON, Governor of the Commonwealth of Virginia, have, by virtue of authority vested in me, pardoned and do hereby pardon the said* John D. Showalter *and do order that he be forthwith discharged from imprisonment, but upon the terms and conditions following, namely;*

That the said John D. Showalter *will conduct himself in the future as a good, law-abiding citizen; and if ever again he be found guilty of a violation of the penal laws of the Commonwealth this pardon shall be null and void.*

Given under my hand and under the Lesser Seal of the Commonwealth, at Richmond, this 1st *day of* December, *in the year of our Lord one thousand nine hundred and* nine, *and in the one hundred and thirty-* fourth *year of the Commonwealth.*

Claude A. Swanson

BY THE GOVERNOR:

B. O. James

Secretary of the Commonwealth.

I, John D. Showalter, *hereby accept the above pardon with the conditions therein set forth.*

J. D. Showalter

Witness: C. Bamberger

Clerk

Committee

4

Jno. D. Shewalter