

H. N. C.

E. B. C.
J. B. S.

Commencement

July } June

Jacob Allen

1 John F. Lewis

2 B. P. Yancy

3 R. H. Swank

4 J. Ward Myers

5 C. C. Carman

6 C. D. Dove

7 W. J. Hough

8 Geo. D. Flory

9 David J. Campbell

10 S. R. Bowman

11 J. W. Richards

12 L. D. Patterson

atd 10 00

clm 2.50

gum 82.40

stff 9.00

Wil 32.10

\$126.00

INSTRUCTION NO. ~~II~~.

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 all reasonable doubt and this presumption of innocence goes with the accused throughout 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 it is their duty to give the prisoner the benefit of such doubt and to acquit him.

disposer the benefit of any doubt and to submit him.
But of the accused upon the whole case it is their duty to give the
the evidence in this case the jury have a reasonable doubt of the
case and submit it every state thereof and it after making nearly all
assumption of innocence goes with the accused throughout the entire
trial the jury should be instructed that the accused is innocent until the
evidence is such as to show him to be guilty and that the jury is to
the jury instructs the jury that the law presumes every

INSTRUCTION NO. 11

2

Instruction No. III.

The court instructs the jury that where the State ~~in~~
~~the~~ relies for a conviction upon ~~the~~ circumstantial evidence,
then it is essential that the circumstances should to ^a ~~moral~~ cer-
tainty exclude every reasonable hypothesis consistent with the
proof but the one that Jacob Allen ^{willfully and feloniously} ~~maliciously~~ burned his house and
that unless they do to ^a ~~moral~~ certainty exclude every reasonable
hypothesis consistent with the evidence except the one that Allen
^{willfully and feloniously} ~~maliciously~~ set fire to his house, then they should find the prisoner
not guilty.

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INSTRUCTION NO. IV.

The court instructs the jury that when a house is burned,
the presumption is that the fire was caused by an accident rather
than by the act of the accused with a deliberate purpose to destroy
it, and in this case the burden is upon the Common-wealth to prove
beyond a reasonable doubt, First; That the house of Jacob Allen
was ^{feloniously} ~~maliciously~~ burned ^{as charged in the indictment,}

Second; That Jacob Allen is the person who burned it and unless
it is so proven by the evidence beyond every reasonable doubt they
must find Jacob Allen not guilty.

What time Jacob Allen was killed.

It is so proven by the evidence beyond every reasonable doubt that

second: that Jacob Allen is the person who killed it and whose

was intentionally killed

beyond a reasonable doubt, that: that the police of Jacob Allen

it, and in this case the burden is upon the common-lawyer to prove

that by the act of the accused with a deliberate purpose to destroy

the presumption is that the life was caused by an accident rather

The court instructs the jury that where a person is killed

Instruction No. 14.

3

was killed.

intentionally set fire to his house, then they should find the accused

intentionally consistent with the evidence except the one that Allen

that purpose was to to destroy certainly exclude every reasonable

proof but the one that Jacob Allen intentionally killed his house and

intentionally exclude every reasonable presumption consistent with the

then it is essential that the circumstances should be to be

believed for a conviction upon the circumstantial evidence.

The court instructs the jury that where the state

Instruction No. 11.

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4
INSTRUCTION NO. IV.

The court instructs the jury that even if they believe that the evidence in this case creates a probability of the guilt of the accused, still if it fails to establish beyond a reasonable doubt the guilt of the accused, then it is their duty to acquit him, for the jury are instructed that mere suspicion ~~was~~^{is} not sufficient to warrant a conviction, nor is it sufficient that the greater weight or preponderance of the evidence supports the charge of the indictment, nor is it sufficient that it is more probable that the accused

is guilty than it is that he is innocent. To warrant a conviction of the accused he must be proven to be guilty so clearly and so conclusively that there is no reasonable theory upon which he can be innocent, when all of the evidence in the case is considered together.

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Instruction No. VI.

The court instructs the jury that the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had and if any member of the jury, after having duly considered all of the evidence in the case and after consultation with his fellow ^{jurors}, shall entertain a reasonable doubt as to the guilt of the accused, it is his duty not to surrender his own conviction because the balance of the jury entertains ^a ~~different~~ ^T conviction with reference to the guilt or innocence of the accused.

INSTRUCTION NO. 4.

The court instructs the jury that even if they believe that the evidence in this case creates a probability of the guilt of the accused, still if it fails to establish beyond a reasonable doubt the guilt of the accused, then it is their duty to acquit him, for the jury are instructed that mere suspicion is not sufficient to warrant a conviction, nor is it sufficient that the greater weight or preponderance of the evidence supports the charge of the indictment, nor is it sufficient that it is more probable that the accused is guilty than it is that he is innocent. To warrant a conviction of the accused he must be proven to be guilty so clearly and so conclusively that there is no reasonably theory upon which he can be innocent, when all of the evidence in the case is considered together.

INSTRUCTION NO. 5.

The court instructs the jury that the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had and if any member of the jury, after having duly considered all of the evidence in the case and after consultation with his fellow jurors, shall entertain a reasonable doubt as to the guilt of the accused, it is his duty not to surrender his own conviction because the balance of the jury entertain different conviction with reference to the guilt or innocence of the accused.

Instruction No. VII.

The court instructs the jury that the prisoner is presumed to be innocent until his guilt is established beyond every reasonable doubt and he is not to be prejudiced by the inability of the Common-wealth to point out any other criminal agent nor is he called upon to vindicate his innocence by naming the guilty man.

Instruction No. ~~VIII~~.

The ^{rule in} ~~rule in~~ criminal cases is, that the ^{coincidence of} ~~coincidence of~~ circumstances tending to indicate guilt, however strong and numerous they may be, avails nothing, unless the corpus delicti, that is, the fact that the crime has been actually perpetrated, be first established; so long as the ^{reasonable} ~~least~~ doubt exists, ^{as} ~~to~~ that fact there can be no certainty as to the criminal agent.

coincidence of

(2) [REDACTED] 10.

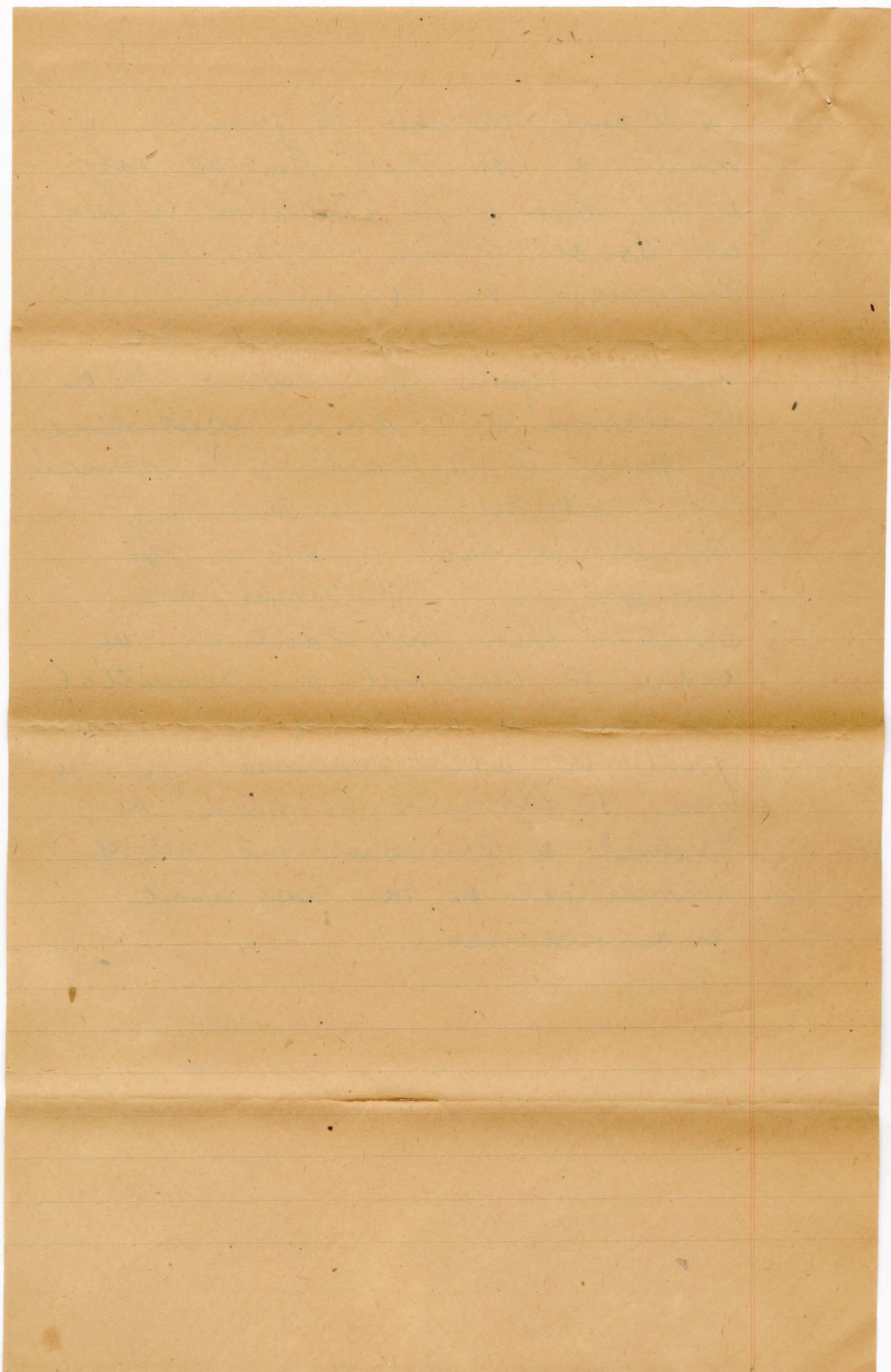
Instruction No. VII.

The court instructs the jury that the prisoner is presumed to be innocent until his guilt is established beyond every reasonable doubt and he is not to be prejudiced by the inability of the commonwealth to point out any other criminal agent nor is he called upon to vindicate his innocence by naming the guilty man.

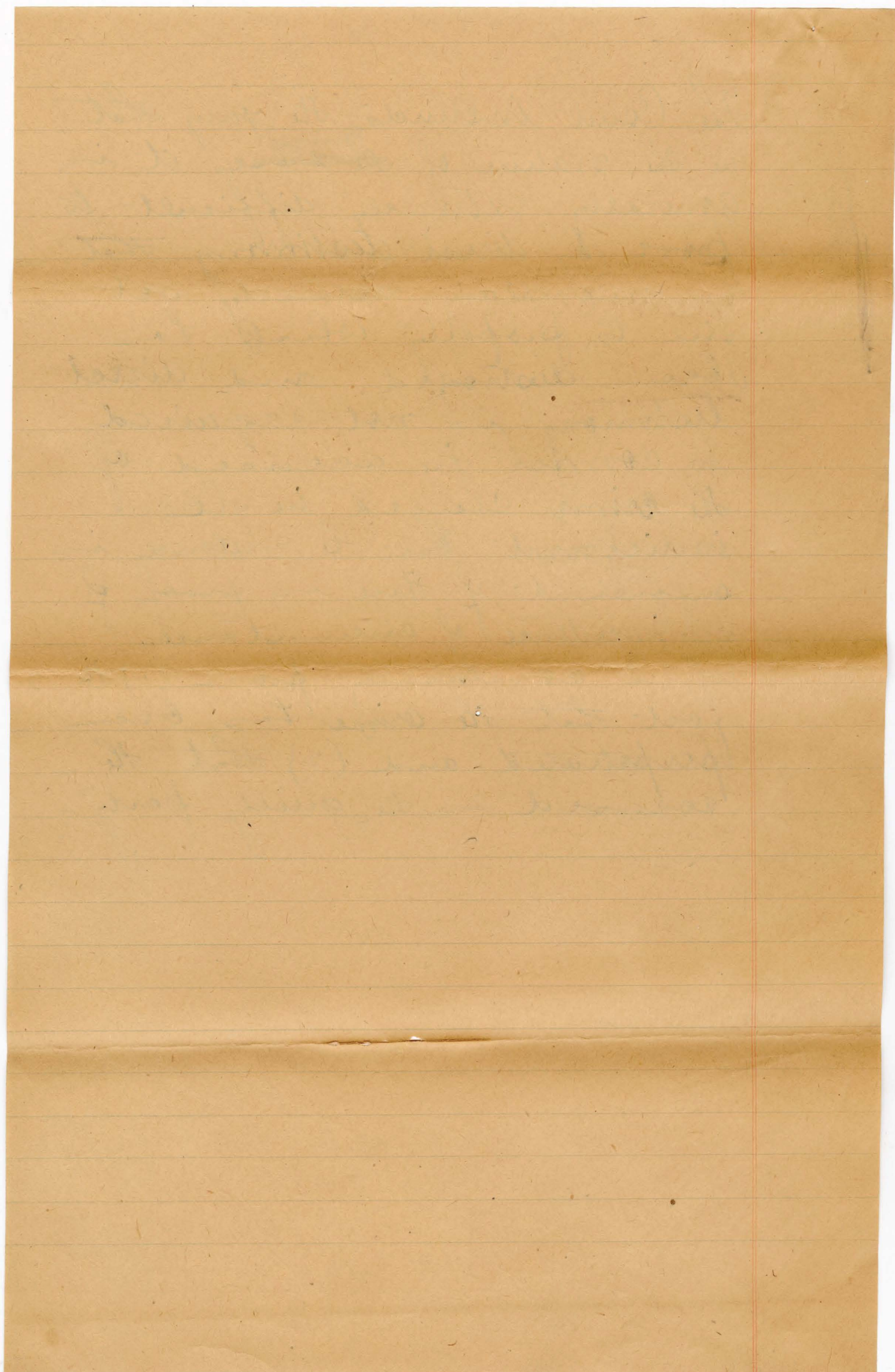
Instruction No. VIII.

Circumstances of
The criminal cases is that the ~~circumstances of~~ circumstances tending to indicate guilt, however strong and numerous they may be, avail nothing unless the corpus delicti, that is, the fact that the crime has been actually perpetrated, be first established; so long as the least doubt exists as to that fact there can be no certainty as to the criminal agent.

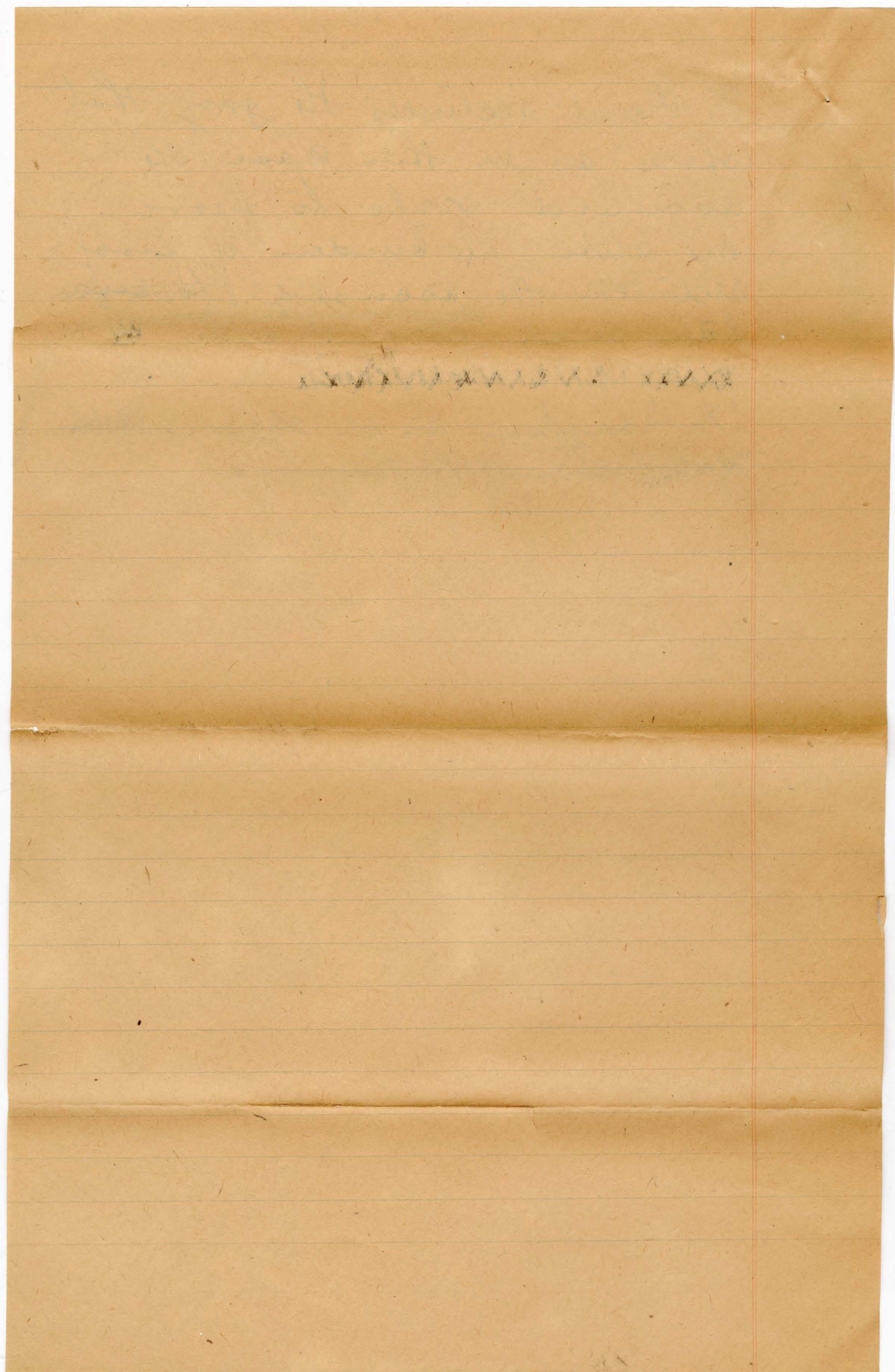
The Court instructs the jury as a matter of law that they are not to go beyond the evidence to hunt up doubts which are merely chimerical or conjectural. A reasonable doubt must be based upon the evidence or on the absence of evidence essential to proof of the guilt of the accused. It must not be an 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 a material fact or facts necessary for the jury to believe to find a verdict of conviction and not of immaterial or non essential circumstances.



The Court instructs the jury that
in the nature of ~~the case~~^{things} it is
generally extremely difficult to
prove by direct testimony that
an incendiary actually set
fire to property which has
been destroyed and direct
testimony is not required
to convict the accused of
the crime charged in the
indictment - but the evidence is
sufficient if there is proof of
co-incidence of circumstances
which conclusively prove (1) the
fact that the crime has been
perpetrated and (2) that the
accused is the guilty party -

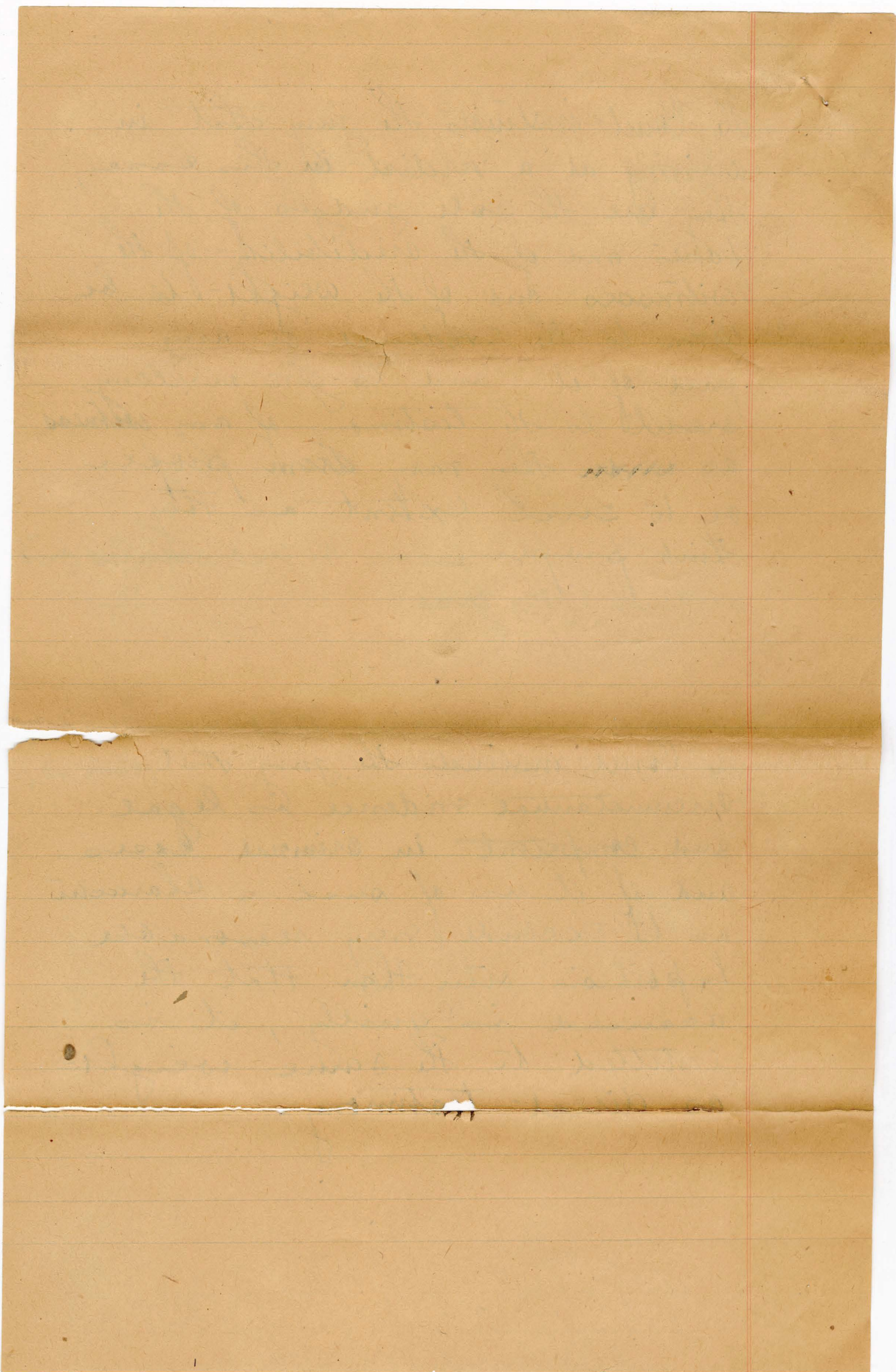


The Court instructs the jury that
where, as in this case the
accused seeks to prove
an alibi, the burden of proof
rests on the accused ~~to sub-~~
~~tain such plea of alibi~~ ~~by~~
~~XXXXXX XXXX XXXX XXXX XXXX~~
to sustain such defence to the
satisfaction of the jury



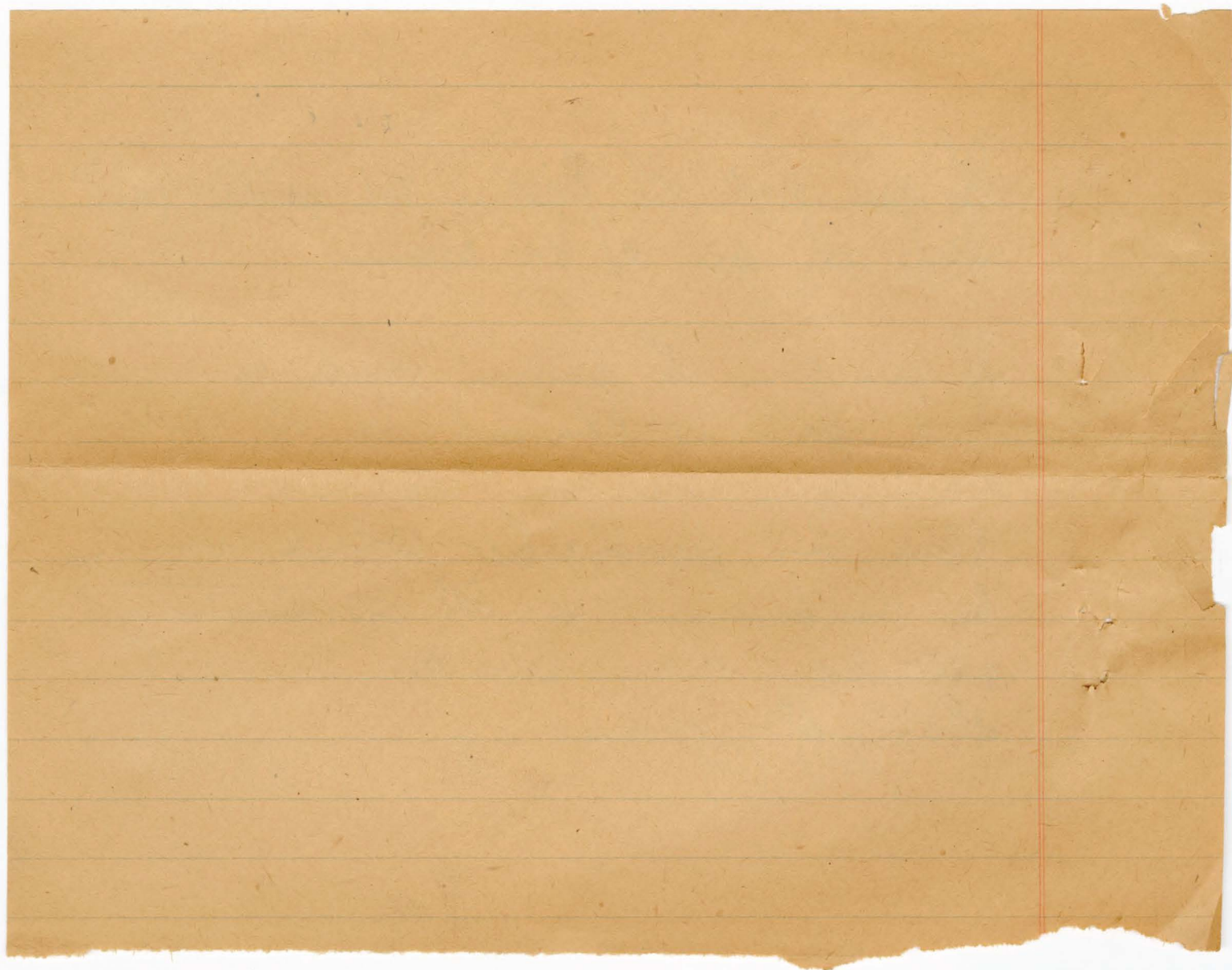
The Court instructs the jury that in arriving at a verdict in this case, they are the sole judges of the facts and of the credibility of the witnesses and of the weight to be given to the evidence or any part of it. and ^{they may} give or deny credit to the testimony of any witness as ~~well~~ they may deem proper or to such extent as they think proper under the circumstances and evidence of the case.

The Court instructs the jury that ^{is to be received with a} while it is, Circumstantial evidence is legal and competent in criminal cases and if it is of such a character as to exclude every reasonable hypothesis other than that the accused is guilty, it is entitled to the same weight as direct testimony.



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

If you find the prisoner guilty in manner
and form as charged in the indictment you will say so and ascer-
tain his punishment - which shall
be confinement in the penitentiary -
not-less, than two nor more
than ten years.



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.....November.....term, in the year 1909.....

upon their oaths present that..... Jacob Allen on the thirtieth day of October, in
the year nineteen hundred and nine, in said County, did a certain
dwelling house, the property and house of the said Jacob Allen,

XXXXXX 100 in the said County XXXX

and situate in the town of Broadway, in said County, and which said dwelling house then and there was, to-wit, on the day and year aforesaid, insured by ~~The Loudon~~ Mutual Fire Insurance Company of Loudon County against loss and damage by fire, ^{and} ~~did~~ feloniously and wilfully burn with intent thereby to injure and defraud the said ~~The Loudon~~ Mutual Fire Insurance Company of Loudon County, against the peace and dignity of

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of C. N. Rhodes, Kittie Aldizer, H. N. Aldizer,
Robert Zigler, J. G. Allen... witness... sworn in open Court and sent to the
Grand Jury to give evidence.

.....Clerk.

We the jury
find the
prisoner guilty
by as charged
in the indictment
& fix his pen-
ishment at
5 years in the
Penitentiary
Geo. H. Lewis
Foreman

Commonwealth

vs.

INDICTMENT.

felony

Jacob Allen

A TRUE BILL.

J. W. Harrison

Foreman.

~~1909~~ ~~Alvin~~
arraigned. Plead
not guilty

1910
Jury at Jury Verdict
Guilty; 5 years

E. B. C.
J. B. S.

Jan 15/00