

G. H. C.

65th

Communion

vs. 3 being
James Dawson

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

| | | |
|----|-----------------|-------|
| 1 | W. B. Garber | 2.50 |
| 2 | Perry A. Fox | 1.50 |
| 3 | C. L. Crider | 1.50 |
| 4 | W. D. Mills | 1.50 |
| 5 | Brammester | 1.50 |
| 6 | E. B. Cozeman | 1.50 |
| 7 | J. L. Deavers | 1.50 |
| 8 | Geo. H. Bramm | 2.50 |
| 9 | W. V. Bannerman | 1.50 |
| 10 | L. M. Shreve | 1.50 |
| 11 | John R. Collier | 1.50 |
| 12 | C. L. Lambert | 1.50 |
| | | 20.50 |



Instructions asked for on behalf of the defendant in
the case of the Commonwealth of Virginia v. James Dawson.

Instruction No. 1.

Refused

The Court instructs the jury that the accused is presumed to be innocent of the offense charged against him in the indictment, and this presumption of innocence goes with the accused through the entire trial and applies to every stage thereof until his guilt is established beyond every reasonable doubt.

Instructions asked for on behalf of the defendant in
the case of the Government of Virginia v. James Brown.

Travis, June 10, 1861.

The Court instructs the jury that the accused is pre-
sumed to be innocent of the offense charged against him in the
indictment, and this presumption of innocence goes with the
accused through the entire trial and applies to every stage
thereof until his guilt is established beyond every doubt.

Very truly,
Your obedient servant,
J. M. Smith.

Revised
Instruction No. 3.

The Court trusts the jury that every man, in the eye of the law is presumed to be innocent until he is proven guilty beyond every reasonable doubt, and not only is the burden of proving the guilt of the accused on the Commonwealth, but to warrant a conviction his guilt must be proven beyond every reasonable doubt. Circumstances of mere suspicion are not sufficient and that before you can convict the accused, you must be satisfied not only that the circumstances are consistent with the accused having committed the offense charged against him in the indictment, but you must also be satisfied that the facts are such as to be inconsistent with any other rational conclusion than that the accused is guilty. If you doubt this, then you must acquit the accused.

Wm. L. G. [unclear]

Exhibition No. 1.

The Board instructs the jury that every one, in the eye of
the law, is presumed to be innocent until he is proven guilty.
It is not every reasonable doubt, and not only in the case of
proving the guilt of the accused on the Government's side, but in
proving innocence on his side, that the Government begins every trial.
It is right, therefore, if such a doubt as to guilt is not sufficient
and still before you has cleared the accused, you must be satis-
fied not only that the circumstances are consistent with the
charges being submitted the other way against him in
the indictment, but you must also be satisfied that the
accused is in fact innocent with any other rational con-
sideration that the accused is guilty. If you doubt this,
then you must acquit the accused.

Instruction No. 2.

Refused

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

Tilley v. Com. 90 Va. 105.

Instruction No. 7.

Revised

The Court instructs the jury that to warrant a conviction the evidence should be such as if true, would exclude all rational doubt of the innocence of the accused. The accused is presumed to be innocent until his guilt is established, and he rests secure in that presumption of innocence until proof is adduced which establishes guilt beyond a reasonable doubt and whether the proof be direct or circumstantial, it must be such that excludes any rational hypothesis of the innocence of the accused. The guilt of the accused is not to be inferred because the facts proved are consistent with his guilt, but they must be inconsistent with his innocence.

Instruction No. 2.

Investigator No. 1

Instruction No. 5.

Presbyterian No. 2.

Instruction No. 6.

Refused

Instruction No. 1

Revised

Instruction No. 8.

Revised

Instruction No. 6.

Instruction No. 9.

Exhibition No. 5.

Instruction No. 40.

Illustration No. 50.

J. M. Roimer

COMMONWEALTH OF VIRGINIA;

To The Sheriff of Rockingham County:

Whereas W. L. Myershuff, of the said County has this day made complaint and information on oath before me, J. S. Good, a Justice of the Peace of the said County, that Jim Dossison or Dawson, on the 14th day of August, 1910, in said county, did intentionally assault A Colin with a rock with intent to kill and disfigure the said A Colin while assisting W. L. My perhaps in effecting an arrest

These are, therefore, in the name of the Commonwealth to command you forthwith to apprehend and bring before me ~~themselves~~ or some other Justice of the said County the body of the said Jim Dossison or Dawson to answer the said complaint and be further dealt with according to law.

Given under my hand this 15th day of August, 1910.

J. S. Good, J. P., (SEAL).

#3969

J. M. Hoimer - Clifton Forge \$500.00

Admitted to bail in sum of \$500.00 with J. M. Hoimer as surety, to appear at first day of the September Term 1910 of the Circuit Court for Rockingham County at 10 o'clock A. M. it being the 19th day of September 1910, given under my hand as bail Commissioner this 22nd day of August 1910
H. W. Bertram B. C.

Executed Aug. 17th, 1910, by arresting the author named Jim Dawson, and bringing him before H. W. Bertram Bail Commissioner.
J. E. Chas. Sherr, Dep. Sheriff

Bonnum wealth

JB

Jim Davison

alias

Jim Dawson.

The undersigned Clerk of the Court for the County of Rockingham, Virginia, do hereby certify that the within named Jim Dawson, alias Jim Davison, is a person who has been convicted of a crime and is now in the custody of the Sheriff of the County of Rockingham, Virginia.

Admitted to bail in sum of \$500.00 with J. M. Hoimer as surety, to appear at first day of the September Term 1910 of the Circuit Court for Rockingham County at 10 o'clock A. M. it being the 19th day of September 1910, given under my hand as bail Commissioner this 22nd day of August 1910
H. W. Bertram B. C.

~~Joseph K. K. K.~~

1 W. B. Garber

2 P. J. H. F. O. F.

3 G. L. Grider

4 H. O. Miller

5 Thomas C. C. C.

6 G. B. C. C. C.

~~H. L. C. C.~~

7 J. L. C. C.

~~C. F. C. C.~~

8 H. H. C. C.

9 W. V. C. C.

10 L. M. C. C.

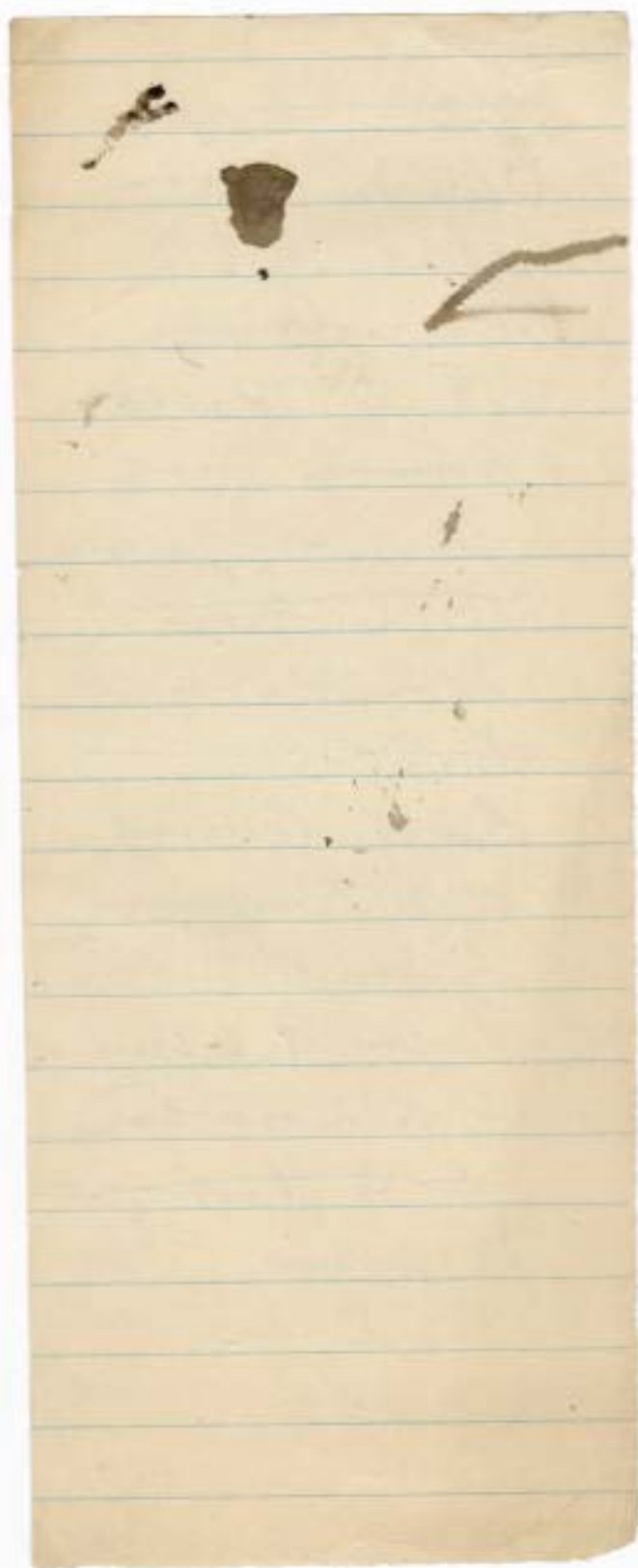
11 J. A. C. C.

12 G. A. C. C.

~~C. C. C.~~

C. C. C.

Case



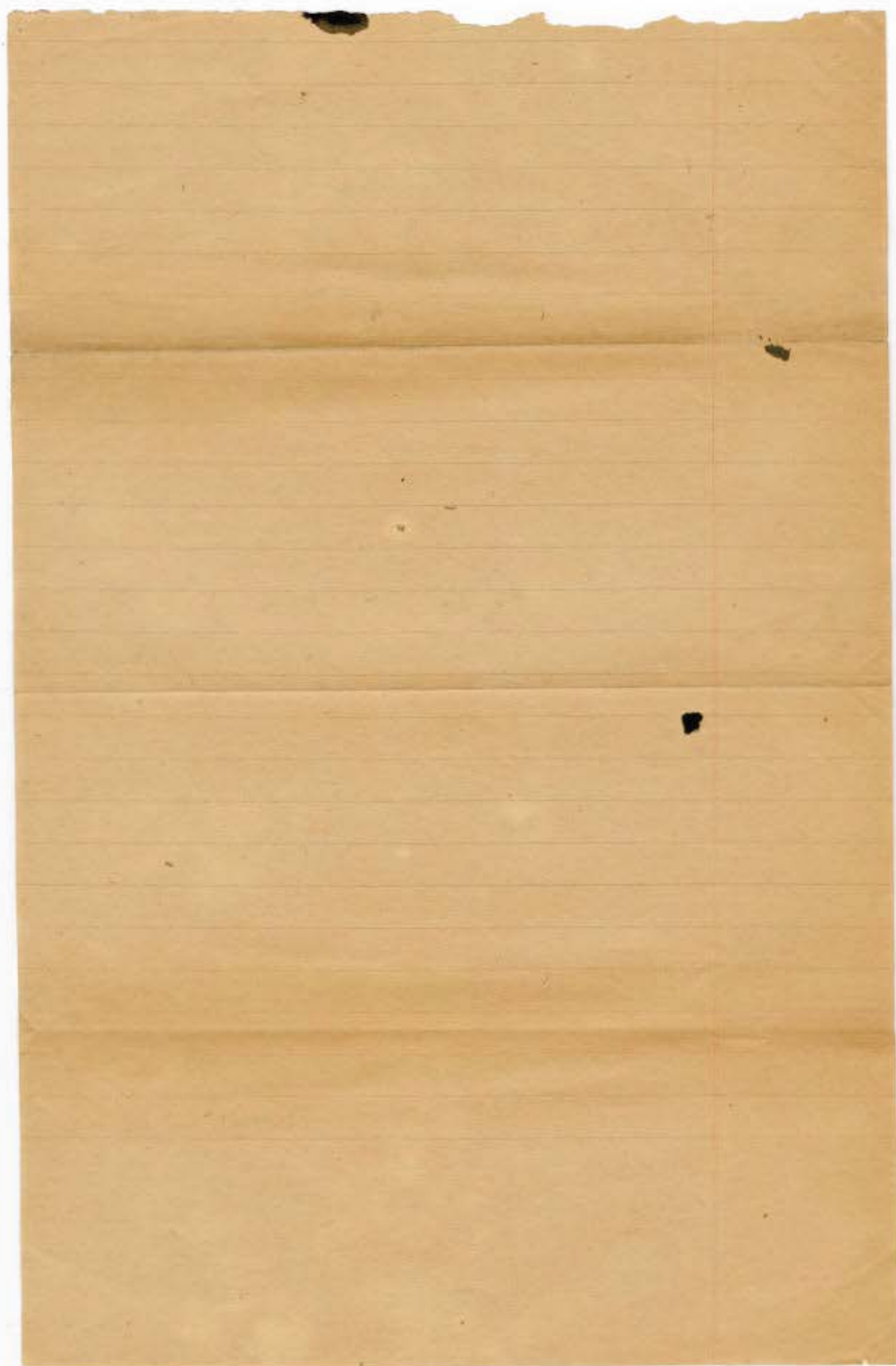
§ 3671 Code

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

If you find the prisoner guilty- of
maliciously wounding J. A. Coleman,
as charged in the indictment ^{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 accused not-guilty- of
maliciously wounding said Coleman but-
guilty of unlawfully wounding Coleman
as charged in the indictment, you
will say so and ascertain his punish-
ment- which shall be ^{confinement in the penitentiary} not less than
one nor more than five years or
confinement in jail not exceeding
twelve months and fined not-
exceeding \$500.

If you find the prisoner not-guilty- of
either of the felonies aforesaid but-
guilty of assault and battery you
will say so and ascertain his
punishment- which shall be con-
finement in jail or fine of not less
than \$500 or both fine & jail.



The Court instructs the jury that the burden is upon the Commonwealth to prove every fact necessary to convict the accused of any offense whatsoever, and if they ^{have} ~~have~~ any reasonable doubt as to ^{the guilt of the accused} ~~any fact necessary to convict the accused~~ as aforesaid, they are bound to give him the benefit of such doubt and find him not guilty; and the Court further tells 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, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge".

~~Andrews Case.~~

~~Webster's Case. 5 Cranch. 320.~~

~~3rd Greenleaf on Evidence. 5th Ed. N. 29.~~

The first part of the paper is devoted to a
discussion of the general principles of the
theory of the atom, and to the question of
the structure of the atom. It is shown that
the atom is not a solid body, but a system
of particles, and that the particles are
distributed in space in a certain manner.
The second part of the paper is devoted to
a discussion of the question of the
structure of the atom, and to the question
of the distribution of the particles in space.
It is shown that the particles are distributed
in space in a certain manner, and that the
distribution is not uniform.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF PHYSICS
CHICAGO, ILL.

The Court instructs the jury that even if they believe the evidence in this case demonstrates the 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 probabilities are not sufficient to warrant a conviction; nor is it sufficient that the greater weight or preponderance of the evidence supports the allegations of the indictment; nor is it sufficient that it is more probable that the accused is guilty than 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~~ ^{doubt on} ~~the question of guilt~~ ^{which he can be innocent,} when all of the evidence of the case is considered together.

Tucker's case 83 Va. 25.
 Anderson's case 83 Va. 329.
 Gordon's case S. E. R. 746.

The court instructed the jury that even if they believe
the evidence in this case concerning the probability of the
fall of the accused, still it is false to establish beyond a
reasonable doubt the guilt of the accused, then it is their
duty to acquit him, for the law has provided that some
evidence must be sufficient to prove a defendant
guilty in a criminal case the burden of proof is upon the
prosecution and not the defendant. The defendant is
not to be convicted unless the evidence is such that
it is a reasonable certainty that he is guilty. The
law is not satisfied that he is guilty unless the evidence
is such that it is a reasonable certainty that he is
guilty. The law is not satisfied that he is guilty unless
the evidence is such that it is a reasonable certainty
that he is guilty. The law is not satisfied that he is
guilty unless the evidence is such that it is a reasonable
certainty that he is guilty. The law is not satisfied
that he is guilty unless the evidence is such that it is
a reasonable certainty that he is guilty. The law is not
satisfied that he is guilty unless the evidence is such
that it is a reasonable certainty that he is guilty.

IN WITNESS WHEREOF, I have hereunto set my hand and
the seal of the Court at the City of New York, this
10th day of June, 1900.

The Court instructs the jury that upon the trial of a criminal case by a jury, the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused but it is likewise true with respect to the degree of the crime. Therefore, although the jury may believe from the evidence, that the accused is guilty, still 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 as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to such degree of guilt, simply because the balance of the jury entertain different convictions with respect to such degree.

The Court therefore the day that upon the trial of
a criminal case by a jury, the law contemplated a continuance
if justice stands in the conviction of guilt before a conviction
can be had. But only in this case will justice be done
if the accused is in a position to give evidence in his
defense. Therefore, although the jury may believe
from the evidence, that the accused is guilty, still it may be
doubtful as to the jury, after having all the evidence
of the accused in this case, and after consultation with his
counsel, whether they should convict him or not.
Hence, if the jury is not satisfied, it is the duty of the
court to grant a continuance, and to give notice of guilt,
which would be a matter of justice, and to grant notice of guilt,
which would be a matter of justice, and to grant notice of guilt,
which would be a matter of justice.

there is no

The Court instructs the jury that ~~it is not the~~ duty ^{on} of the accused to point out any other criminal agent or to show to the jury really who did commit the offense charged in the indictment. The prisoner is presumed to be innocent until his guilt is established, nor is he to be prejudiced by reason of his inability to point out the guilty party, nor is he called upon to vindicate his own innocence by naming the guilty party.

THE PROSECUTOR'S OFFICE
The Government has the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the case of the late John A. Smith, deceased, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The Government is pleased to be informed by you that the late John A. Smith, deceased, was a resident of the State of New York, and that he was a member of the United States Army, and that he was killed in action on the 10th day of June, 1864, at the battle of Gettysburg, Pennsylvania. The Government is also pleased to be informed by you that the late John A. Smith, deceased, was a member of the United States Army, and that he was killed in action on the 10th day of June, 1864, at the battle of Gettysburg, Pennsylvania. The Government is also pleased to be informed by you that the late John A. Smith, deceased, was a member of the United States Army, and that he was killed in action on the 10th day of June, 1864, at the battle of Gettysburg, Pennsylvania.

(good) The Court instructs the jury that in arriving at a verdict in this case, they have a right to give such weight to the ~~good~~ character of the accused as they may deem proper, in considering it together with the other evidence in this case. And the Court further instructs the jury that they have the right in their discretion, to acquit the accused upon the evidence of his good character if they believe the evidence of his good character is sufficient to raise a reasonable doubt as to his guilt when the evidence of the case is considered together.

The Court instructed the jury that in arriving at a verdict in this case, they have a right to give such weight to the good character of the deceased as they may deem proper. In considering it together with the other evidence in this case, and the Court further instructs the jury that they have the right to draw inferences, to reject the account upon the evidence of the good character of the deceased if they believe the evidence of his good character is not sufficient to sustain a verdict in his favor. And the Court further instructs the jury that they have the right to draw inferences, to reject the account upon the evidence of the good character of the deceased if they believe the evidence of his good character is not sufficient to sustain a verdict in his favor.

Witnesses re-examined.

6

The jury are instructed that a reasonable doubt is such a doubt as may be honestly and reasonably entertained as to any substantial and material fact essential to prove the offence charged. Reasonable doubt must be based upon the evidence, or that is suggested by the evidence, or 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 to find a verdict of conviction, and not of immaterial and ^{non-essential} ~~non-essential~~ circumstances.

The jury are instructed that a reasonable doubt is such a doubt as may be honestly and reasonably entertained as to any substantial and material fact essential to prove the offense charged. A reasonable doubt must be based upon the evidence, or that is suggested by the evidence, or 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 require an acquittal. It must be a doubt of material fact or facts necessary for the jury to believe in finding a verdict of conviction, and not of immaterial and unessential circumstances.

7

The court instructs the jury that the credibility of the witnesses is a question exclusively for the jury, and the law is that, where a number of witnesses testify, directly opposite to each other, the jury is not bound to regard the weight of evidence as equally balanced. The jury have the right to determine, from the appearance of the witnesses on the stand, their manner of testifying, and their apparent candor and fairness, their apparent intelligence or lack of intelligence, and from all the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

The court instructs the jury that the credibility of the

witness is a question exclusively for the jury, and the law is

that, from a number of witnesses testifying, directly opposite to

each other, the jury is authorized to regard the weight of evidence as

equally balanced. The jury have the right to determine, from the

appearance of the witnesses on the stand, their manner of testi-

fying, and their apparent candor and truthfulness, their apparent

intelligence or lack of intelligence, and from all the other

surrounding circumstances appearing on the trial, which witnesses

are more worthy of credit, and to give credit accordingly.

John Deussen

Case

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 September term, in the year 1900,
upon their oaths present that

James Dawson alias Jim Dawson

on the 14 day of August, in the year 1900, in the said County,

and upon one J. A. Coleman did make an assault
and him he said J. A. Coleman unlawfully, maliciously
and feloniously did strike and wound with
a rock with intent to maim, disfigure,
disable and kill said J. A. Coleman

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of L. L. Magruder J. A. Coleman

John Via Frank Saffety L. S. Brady
Grand Jury to give evidence. witness sworn in open Court and sent to the

Clerk.

We the Jury find the prisoner James Dawson
 alias Jim Dawson guilty of assault and
 battery as charged in the indictment and
 give his punishment at Confinement in
 the County Jail at Three Months &
 the payment of a fine of \$100.00
 C. L. Lambert.
 Foreman

Commonwealth

INDICTMENT for
 Felonious Assault

James Dawson alias
 Jim Dawson

A TRUE BILL.

J. L. Lamb

Foreman

1910 Dec 27 C. L. L.
 per not serving

cash 10.00
 cash 3.50

cash 2.00
 cash 24.98

cash 3.00
 cash 3.00

cash 34.00
 cash 99.84

from \$100.00

1910

Be the the jury find the person
guilty of assault & battery and
fix his punishment at a fine of
\$100 and a jail sentence of
3. months.

E. L. Lamlar, Foreman

