

G. N. C.
Bank

J. B. S.
C. S. K.

Commencement

June } Salary

Raymond M. Wolf

- | | | |
|----|-------------------|---------|
| 1 | W. O. Landers | 5.50 |
| 2 | J. Walter Lister | 4.80 |
| 3 | G. F. Sanger | 5.00 |
| 4 | Abraham W. Heath | 5.00 |
| 5 | R. O. Swank | 5.40 |
| 6 | W. N. Steele | 4.50 |
| 7 | B. B. Miller | 5.50 |
| 8 | Layton B. Burdett | 5.00 |
| 9 | J. W. Roddifer | 5.10 |
| 10 | W. O. Finckh | 5.40 |
| 11 | T. L. Williamson | 4.50 |
| 12 | Walter Huffman | 4.50 |
| | | \$60.50 |



COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, To-wit:

To The Sheriff of the said County:

WHEREAS D. R. Martz of the said County has this day made complaint and information on oath before me, J. W. Pickering, a Justice of the Peace of the said County that Raymond Martz, on the 7th day of December, 1910, in said County, v^olently and against her will, by force, feloniously did ravish and carnally know one Bertie C. Martz, daughter of affiant, she the said Bertie C. Martz then being fourteen years and more old, towit, of the age of twenty-two years

These are, therefore, in the name of the Commonwealth of Virginia, to require you forthwith to apprehend and bring before me or some other Justice of the said County the body of the said Raymond Martz to answer the said complaint and to be further dealt with according to law.

Given under my hand and seal this 15th day of December, 1910.

J. W. Pickering, J. P. (SEAL).

Executed Dec. 16th, 1910 by arresting the above-named Raymond Martz, and bringing him before
A. B. Cooley, J. P.

E. J. Cairnschoff, S. R. C.

This case being called for trial this 16th day of Dec,
1910. The defendant in the within-warrant Raymond
Morty appeared in person with his counsel Messrs
D. Harrison and Geo. H. Leonard for the Commonwealth
The preliminary hearing having been waived by the
defendant this case is sent on to the Grand Jury to be
disposed of at the next term of the Circuit Court of
Rockingham County which convenes on the 16th
day of Jan. 1911.

Given under my hand this 16th day of Dec,
1910.

O. B. Crosby, J. P.

Present hearing against preliminary hearing. As was the day
admitted to trial by me - the same of course with
Messrs. Morty and John P. Kelly making an appeal
in Circuit Court Jan. 16, 1911 at 10 o'clock A.M.
being 1st day of Jan. Term 1911 of Circuit Court
for Rockingham County which Court is held
at 11 o'clock A.M. on the 16th day of January 1911
Commissioner for
P. C.

Commonwealth

vs. {
Raymond Morty

Raymond Morty

FILED

DEC 17 1910

D. H. LEE MARTZ,
CLERK.

W. C. Conder

D. Walter Lister

G. F. Sanger

Thomas C. Heathcote

~~R. C. Swank~~

H. W. Clark

B. B. Miller

Layton B. Barnes

~~J. M. Rhodes~~

~~David F. Heathcote~~

J. M. Rodger

~~Silas B. Miller~~

N. D. Finkhouse

J. L. Williamson

~~T. N. Thompson~~

Wm. H. Ferguson

$$\begin{array}{r} 1210 \\ 1146 \\ \hline 6012 \\ \hline 5446 \end{array}$$
$$\begin{array}{r} 8911 \\ 404 \\ \hline 8546 \end{array}$$

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,
TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon Benjamin Mungen

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, on the 15th
day of April 1900, to show cause, if any he can, why the land purchased by

he should not be committed or otherwise punished
for his disobedience to and contempt of the order
of this Court of Octo. 3rd 1900 entered in the Cause

on the _____ day of _____

1900, should not be held for _____ failure to pay the purchase money thereon.

of Rosa A. Mungen vs Benjamin Mungen regarding said
debt amount to pay to said Rosa A. Mungen for monthly
allowance in the sum of \$7⁰⁰ per month payable on the 1st
day of each month.

And have then and there this Writ. Witness, Walter Mandy, Clerk of our
said Court, at the Court House, the 12th day of April, 1900, and in the 13th
year of the Commonwealth.

Walter Mandy, Clerk.

Executed Apr. 12, 1910 by delivering a true office

copy of the within Rule to Jessie

Monger

in person

H. C. Carickhoff Deputy for

E. J. CARICKHOFF, S. R. O.

Rosa A. Monger

} Rule

Benjamin Monger
D. R. T.

— — — — —

1911
Jug
D. R. T.

SHERIFF FEE \$ 50¢

Paid, 4-13-10-ABE

Apr 15/10

cost \$10.00
beer 2.50
caff 4.04
rent 11.46
July 60.50

beer \$88.50
7 in 155.00
239.50

to account

Raymond Marty

~~one straight \$2.60~~

\$239.⁵² paid by

W. M. Marty

Feb 1/1911

W. M. Marty
C.M.

Handwritten text on lined paper, possibly bleed-through from the reverse side. The text is extremely faint and illegible due to fading and the quality of the scan. It appears to be organized into several lines or columns, but the characters cannot be discerned.

1 ~~Joseph Hancock~~

2 B. R. Barber

3 L. B. Thomas

4 Perry A Fox

5 ~~John G. Barber~~

6 ~~William Austin~~

7 ~~H. L. Leavitt~~

8 J. L. Leavitt

9 G. F. Armentrout

10 W. V. Bannerman

11 L. M. Howland

12 G. L. Leavitt

13 ~~Wm D Miller~~

14 Geo W Brown

15 E. B. Coffman

16 W. B. Blakeman

120 May 1964
200 Columbia
140 Via
180 Ruffalo
98 (over)

$$\begin{array}{r} 3 \overline{) 7.38} \\ \underline{2.46} \\ 0.92 \end{array}$$

Paid this \$89.50 by \$50.00
 by 2/22/11
 N.M. Mary

Common current
 " Raymond Mary

oil	10.00
blum	3.50
Wimper	11.41
Lisy	60.00
oil	4.04, Paid, Dr. Crumhorn

Total \$89.50
 Total 150.00 \$239.50

~~Mary Ann Parry \$2.60~~

89.50
 12.12
 77.00

88.50
 2.60
 91.10

\$239.50 paid by
 N.M. Mary
 March 1 / 1911

3
10
00.00
45
07
08.15

1000
M. J. K. 1000
1000

The Commonwealth of Virginia,

To the Sheriff of Rockingham County—Greeting:

We command you that of the goods and chattles of Raymond Martz

defendant

late in your bailiwick, you cause to be made the sum of 750⁰⁰ Five in felony
Case

~~with interest thereon~~

to be computed after the rate of six per centum per annum, from the ~~the~~ day of

1901, till payment, which The Commonwealth

late in our Circuit Court of Rockingham County, ha ~~o~~ recovered against him ~~plaintiff~~ for a certain fine ~~sum~~
~~sum~~ Also eighty nine Dollars and 50 Cents, which to the said ~~plaintiff~~

Commonwealth
in the same Court were adjudged for its costs by it about its preparation ~~sum~~ in that behalf expended,

"upon an instrument waiving the homestead," whereof the said defendant is ~~was~~ convict, as appears to us of record,
and that you have the same before the Clerk of said Court, at the Court-House, on the first Monday in May

next, to render unto the said plaintiff
of the ~~defendant~~ and costs aforesaid. And have then and there this Writ.

Witness, D. H. LEE MARTZ, Clerk of our said Court, at the court-house, the 14 day of February
1901, and in the 135 year of the Commonwealth.

Walter Martz Clerk.

Ex. Book Page

Commence

vs. } Fieri Facias.

Raymond Martz
S. H. K.

Att'y & Tax.

D. H. Lee Martz, Clerk.

Sheriff.

Witnesses,

Received

Martz 1901

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

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

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

If you find the prisoner not guilty either of rape or attempting rape as charged in the indictment - but guilty of assault and battery upon ~~any person~~ ^{Walter C. Whaley} you will say so and ascertain his punishment - which shall be fine of not less than \$5⁰⁰ or confinement in jail or both.

London

Instruction No. 1

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 any reasonable doubt as to 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 ~~same~~ 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 mind 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.

~~W. H. H. H. H. H.~~

Harrisonburg Va

Instruction No. 2

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 allegation 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 guilty, so clearly and so conclusively that there is no reasonable theory upon which he can be innocent, when all the evidence of the case is considered together.

Instruction No. 3

The Court instructs the Jury that to warrant a conviction the evidence should be such as, if true, would exclude all rational doubt of 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 is direct or circumstantial, it must be such that excludes all 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. 1

The Court instructs the jury that it is their duty to determine the guilt or innocence of the accused. The accused is presumed to be innocent until his guilt is established, and the State bears the burden of proving his guilt beyond a reasonable doubt. The fact that the accused has been charged with a crime does not constitute an admission of guilt. It must be shown that the accused committed the crime charged. The guilt of the accused is not to be inferred because the State has failed to establish his guilt, but they must be inconsistent with his innocence.

Instruction No 4

The Court instructs the Jury that before it can convict the accused of the offense of rape as charged in the indictment it must be proven by the Commonwealth beyond every reasonable doubt, first, that the accused intended to commit the offense of rape on the person of Bertie C. Marts, and, second, that by force and against her will he overcame her resistance to his efforts and by such force and against her will had actual carnal intercourse with her.

Instruction No. 3

The Court instructs the Jury that before they can convict the accused of attempting to commit rape under the indictment they must believe beyond every reasonable doubt that the accused by force and against her will made some effort upon the person Bertie G. Martz with the intent to commit the crime of rape.

Instruction No. 1

The Court instructs the jury that before they can convict the
defendant of the crime charged in the indictment they
must believe beyond a reasonable doubt that the accused is
guilty of the crime charged against her with the intent upon the
part of the accused to commit the crime of rape.

No. 6

The Court instructs the Jury that though they may believe from the evidence that the said Bertie G. Martz was not of strong mind, yet if they further believe from the evidence that she had sufficient mental capacity to know what she was doing then she should have resisted to the uttermost, considering her intelligence and the circumstances generally of the case, any attempt to have carnal intercourse with her, by making out-cry or by preventing such an act by her physical strength, and if she did not do this but consented to the act then they must find the accused not guilty.

The first instance of this kind is the case of the
 man who is said to have been blind from birth and
 who, after having been cured of his blindness, was
 asked to identify the various objects which he had
 touched. He was unable to do so, and this was
 taken as evidence that his mind had not been
 affected by his blindness. This is a case of
 the kind which is often cited in support of the
 doctrine of the independence of the mind and
 the senses. It is, however, a case which is
 not altogether convincing, and it is not
 altogether clear why it should be cited in
 support of the doctrine of the independence of
 the mind and the senses.

The Court instructs the jury that in order to prove the crime of rape, it is not necessary that there be proof of emission by the man, nor is it necessary that there be proof of the rupture of the hymen of the female; ~~XXXXXXXXXX~~^{but} it is necessary that there be proof of penetration.

7

The court instructs the jury that in order to prove the crime of rape, it is not necessary that there be proof of emission by the man, nor is it necessary that there be proof of the rupture of the hymen of the female; ^{but} it is necessary that there be proof of pen-

etration.

In order to constitute the offence of rape force must be used. It is a necessary ingredient of the crime; and that force must be such as may reasonably be supposed adequate to overcome the physical resistance of the woman upon whom the rape is charged to have been committed, taking into consideration the relative strength of the parties and other circumstances of the case, ~~and the fact that the accused is a~~
~~prisoner.~~

If the jury believe from the evidence that the prisoner intended to commit a rape upon Bertie C. Mertz, but before the act was finally executed he voluntarily ^{or involuntarily} abandoned it, they cannot convict the prisoner of the crime of rape; but if they believe from the evidence that the prisoner in the furtherance of his intent aforesaid, did any direct act towards having intercourse by force with said Bertie C. Mertz and against her will, they may convict the prisoner of attempted rape.

In order to constitute the essence of race laws must be that
it is a necessary ingredient of the crime; and that force must be used
and may reasonably be supposed essential to executing the physical re-
sistance of the man who, when the law is changed, is held to have been
killed, taking into consideration the relative strength of the parties
and other circumstances of the case. ~~...~~

It is not believed from the evidence that the witness intended
to commit a race upon Willie G. Harris, but before the act was finally
executed he voluntarily abandoned it, they cannot be held liable for the
act of the crime of race; and if they will have from the witness that
the intent in the execution of the intent necessary, did not
arise and towards having intention to force with Willie G.
Harris and against the will, they are entitled to a verdict of acquittal
at this

The Court instructs the jury 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 on the evidence or ~~that~~^{such as} 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 a material fact or facts necessary for the jury to believe to find a verdict of conviction, and not of immaterial and non-essential circumstances.

The Court instructs the jury that ~~xxx~~ if they believe from the evidence that the prisoner did not intend to commit the crime of rape ~~for~~ attempted rape, but that against the will of Bertie C. Martz he grabbed hold of her ~~and~~ and pulled her straddle upon his lap, ~~they~~ ~~may find the prisoner guilty of assault and battery.~~ these facts are sufficient to constitute an ~~xxx~~ aggravated and indecent assault, and they may find the prisoner guilty of assault and battery.

The Court instructed the jury that a reasonable doubt is such a doubt as may be reasonably and rationally entertained as to any substantial and material fact essential to prove the offense charged. Reasonable doubt must be based on the evidence or lack of evidence. It is not to be based on mere suspicion or conjecture. It is not to be based on the weight or number of the evidence. It is not to be based on the number of witnesses. It is not to be based on the number of witnesses who testify in order to support an indictment. It must be a doubt of a material fact or facts necessary for the jury to believe beyond a reasonable doubt that the defendant is guilty of the crime charged.

The Court instructed the jury that if they believe from the evidence that the witness did not intend to testify the crime of rape has been committed, but that against the will of the victim, they should find the defendant guilty of rape. The Court instructed the jury that if they believe from the evidence that the witness did not intend to testify the crime of rape has been committed, but that against the will of the victim, they should find the defendant guilty of rape. The Court instructed the jury that if they believe from the evidence that the witness did not intend to testify the crime of rape has been committed, but that against the will of the victim, they should find the defendant guilty of rape.

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 January term, in the year 1911,
upon their oaths present that..... Raymond Marky.....

on the 7th day of December in the year 1910, in the said County,

with force and arms, in and upon one Bertie C. Marky, the said Bertie C. Marky then being over the age of fourteen years, violently and feloniously did make an assault; and there the said Bertie C. Marky, 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 Bertie C. Marky - O. R. Marky
W. J. E. Lincoln, Wm. O. B. Marky witness sworn in open Court and sent to the
Grand Jury to give evidence.

..... Clerk.

Commonwealth

INDICTMENT.

Raymond Martz

A TRUE BILL.

G. B. Eastham

Proctor.

1911 June of. Not found
at for June 30-

We the jury find
The prisoner guilty
of attempted rape
and fix his punishment
at confinement in
the Penitentiary for a
term of three (3) years
J. L. Williamson
Foreman
G. B. Eastham

We, the Jury, find the prisoner, Raymond Martz, guilty of attempted rape upon Bertie D. Martz as charged in the indictment and fix his punishment at confinement in the Penitentiary for the term of three years.

J. L. Williamson Foreman