

VIRGINIA--County of Rockingham, To-wit:

To the Clerk of the Circuit Court of said County:

I, H. C. Hale, a Justice of the Peace of said county, do hereby certify that I have this day committed Ellah Entler to the jail of said county, that he may be tried before the circuit court of said county, for a felony by him committed, in this, that he, on the 30th day of September, 1911, in

the said county Violently and against her will, by Force. Feloniously did ravish and carnally know her, the said Ellah Entler. She the said Ellah Entler then being fourteen years old and more, to-wit: of the age of Thirty years

Given under my hand and seal this 9th day of November 1911

H. C. Hale, J. P. [L. S.]

To the Editor

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY,

TO-WIT:

To The Sheriff

Constable of said County:

WHEREAS, Mrs. Elloh. Estolee

of the said county, has this day made

complaint and information on oath before me,

H. C. Hoale

a Justice of the said county, that

Albert. Suttler

of the said county, on the 30th day of September 1911, in the said county, did

Violently and against her will, by force,
feloniously did ravish and carnally know
her, the said Elloh Estolee the said
Elloh Estolee then being fourteen years old
and more, to-wit: of the age of Thirty
years

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend
and bring before me, or some other Justice of the said County, the body of the said

Albert. Suttler

to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 8th day of November, in the year 1911

H. C. Hoale

J. P. [SEAL.]

FILED
NOV 9 1911
D. H. LEE MARTZ,
CLERK.

Commonwealth

vs.

Arrest Warrant.

Albert. Suttles

Executed the within warrant by
arresting and delivering the body

of Albert. Suttles

before H. L. Hoale
a justice of Rockingham County and
by summoning the within named wit-
nesses in person, this 9th

day of November 1911

J. W. Walters

Constable of Rockingham County
Sergeant of Bridgewater

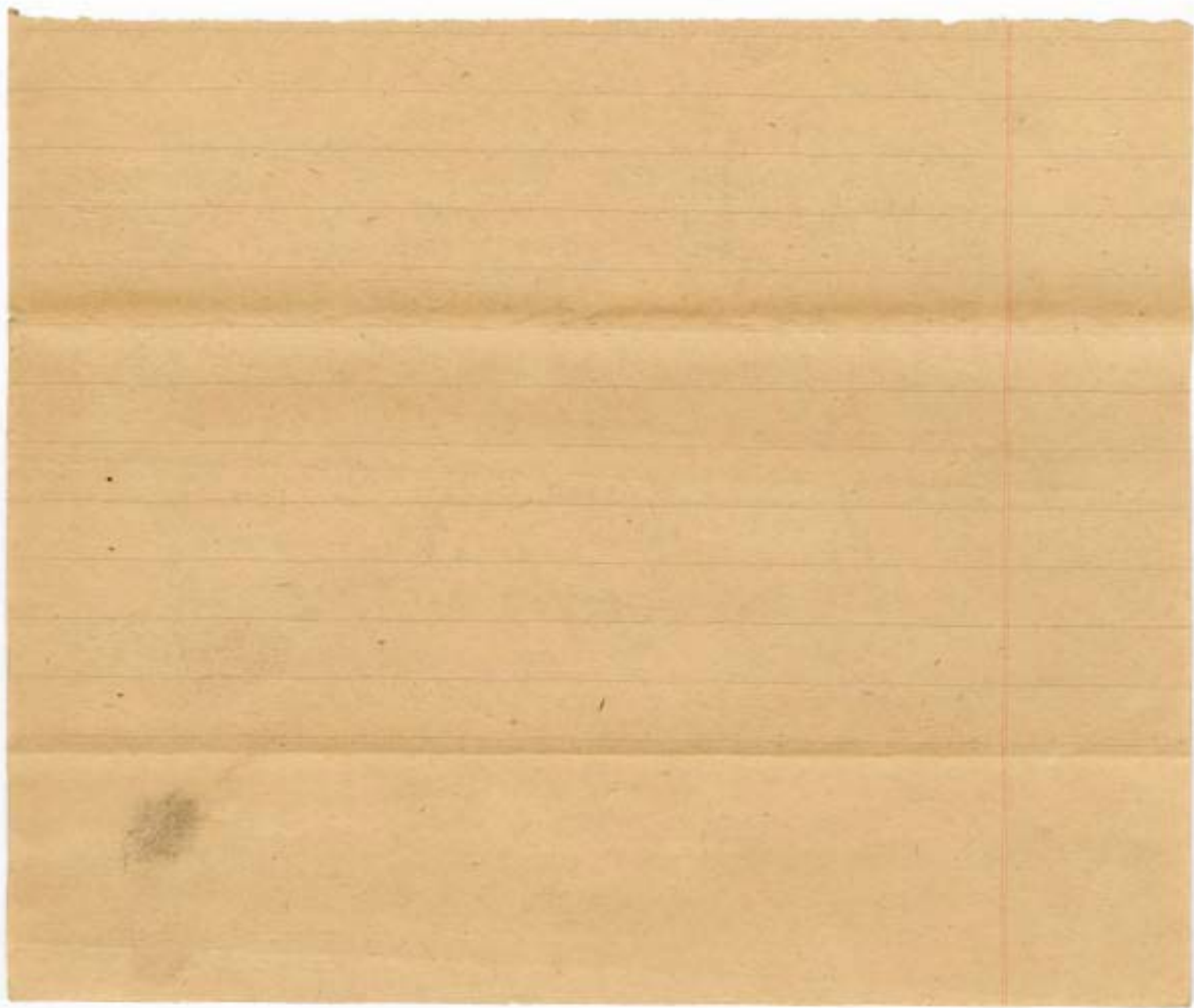
Bridgewater Nov 9th 1911
Upon the evidence on oath of E. W. Entler
and J. W. Entler. The within named Albert
Suttles was heard on to be tried before the
Justice Court of Rockingham County
H. L. Hoale J.P.

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

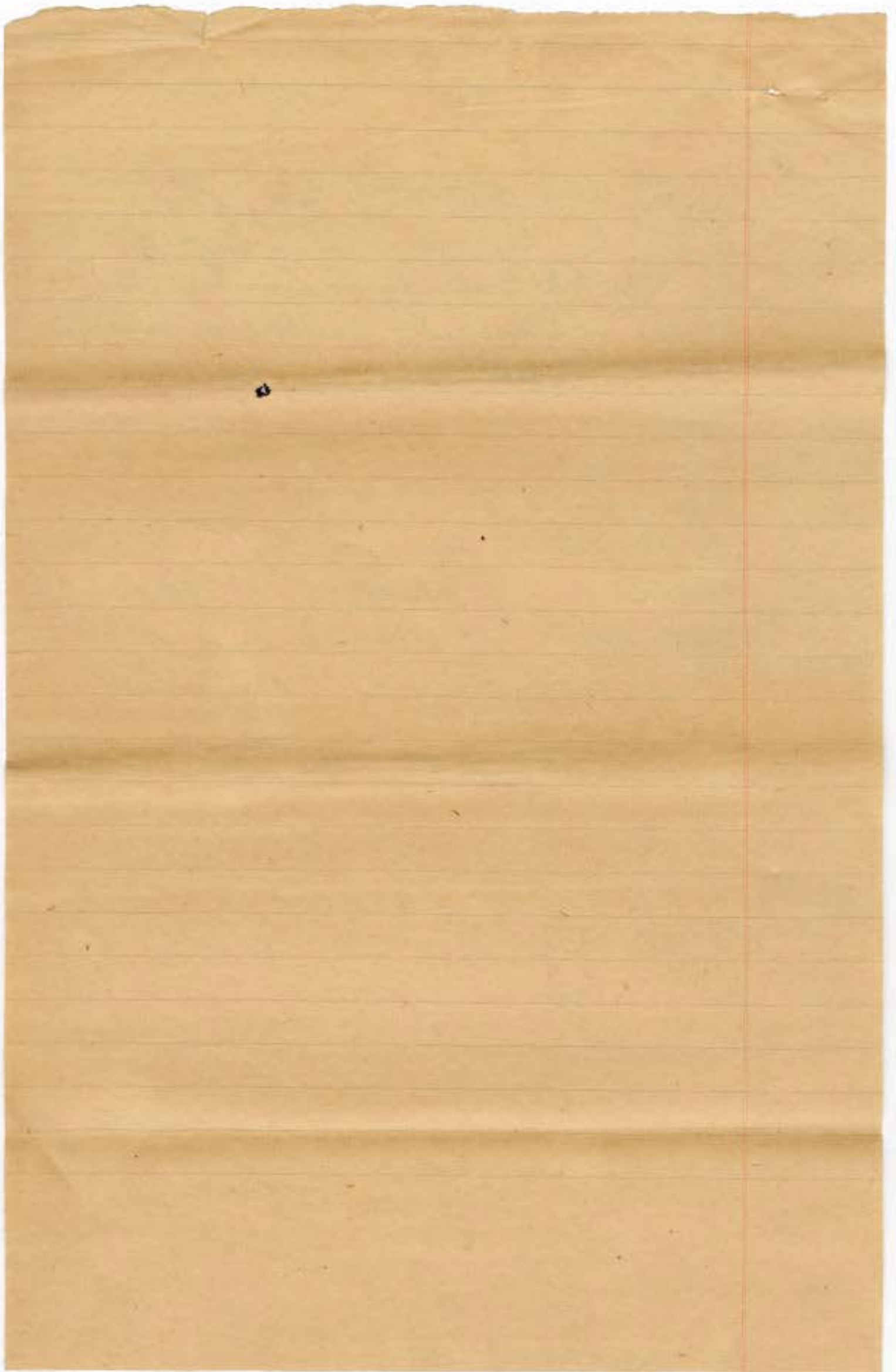
If you find the prisoner guilty of rape in manner and form as charged in the indictment you will say so and ascertain his punishment. which shall be the discretion of the jury be death or confinement in the penitentiary not less than five nor more than twenty years.

If you find the prisoner not-guilty of rape as charged in the indictment - but guilty of assault & battery ^{you} will say so and ascertain his punishment - which shall be a fine of not less than five dollars or confinement in jail or bail -

The Court - instructs the jury that rape is
a crime which may be committed
even upon a prostitute. If the jury
believe from the evidence that the accused
had carnal knowledge of Mrs. Ella Suter
forcibly and against her will, despite
her utmost resistance he is guilty
of the offense charged though the
jury believe she was a woman of
bad character.



The Court instructs the jury that before they can convict the defendant - they must be satisfied of his guilt - beyond a reasonable doubt -; such a doubt - to authorize an acquittal upon reasonable doubt - alone must - be a substantial doubt - of the defendant's guilt - with a view to all the evidence in the case - and not - a mere possibility - of the defendant's innocence -



Instruction No. _____

The court instructs the jury that even if they believe that the evidence in this case demonstrates a probability of the guilt of the accused still if it fails to establish beyond every 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 it is that he is innocent. To warrant a conviction of the accused he must be proved 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 of the case is considered together.

The court instructs the jury that even if they believe that the witness in this case demonstrated a responsibility of the call of the witness still it is false to establish beyond every reasonable doubt the guilt of the accused than it is their duty to acquit him for the jury are instructed that they prohibit the witness to demand a conviction; but it is their duty to acquit if they are instructed of the instructions; but it is their duty to acquit if they are instructed that the accused is guilty than it is their duty to acquit to demand a conviction of the accused he shall be proved to be guilty as charged and he is instructed that he is not responsible for any other acts he may be induced to do all of the evidence of the case is considered together.

Instruction No. _____

The court instructs the jury that the burden is upon the Commonwealth to prove every fact necessary to convict the accused of any offence 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 court tells the jury that a reasonable doubt is that state of the case which after the entire comparison and consideration of all the evidence 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.

Instruction No. _____

The court instructs the jury that if the evidence leaves a reasonable doubt in the minds of the jury that the accused is guilty of the precise crime with which he is charged in the indictment, then the jury should find the accused not guilty, although the evidence may show conduct of no less turpitude than the crime charged, that is not enough to authorize a conviction in this trial.

Instruction No. _____

The court instructs the jury that the burden is upon the defendant to prove every fact necessary to convict the accused of any offense charged, and if they have any reasonable doubt as to any fact necessary to convict the accused as charged, they are bound to give him the benefit of such doubt and find him not guilty; and the court tells the jury that a reasonable doubt is that state of mind which would prevent a juror from convicting a defendant if all the evidence favoring the accused is taken into consideration; that they cannot say they feel an abiding conviction to a moral certainty of the guilt of the accused.

Instruction No. _____

The court instructs the jury that if the evidence is such that the jury is in the minds of the jury that the accused is guilty of the offense charged with which he is charged in the indictment, then the jury should find the accused not guilty; and if they have any reasonable doubt as to any fact necessary to convict the accused as charged, they are bound to give him the benefit of such doubt and find him not guilty; and the court tells the jury that a reasonable doubt is that state of mind which would prevent a juror from convicting a defendant if all the evidence favoring the accused is taken into consideration; that they cannot say they feel an abiding conviction to a moral certainty of the guilt of the accused.

Instruction No. _____

of a female over 14 years of age

The court instructs the jury that rape is the unlawful carnal knowledge of ^{such} a female ~~with~~ forcibly and against her will, and in order to constitute the crime of rape ~~force~~ force must be used and that force must be such as may reasonably be supposed adequate to overcome the physical resistance of the woman taking into consideration the relative strength of the parties and other circumstances of the case, ~~and~~ ~~and~~ And even though the jury may believe from ^{with Mrs. Entler} the evidence that the accused had illicit intercourse, as charged in the indictment, yet if they further believe that it was not against her will and by force they shall find the accused not guilty.

Instruction No. —

If a female was in your office

This is not intended to say that you in the industrial control
 should not call, and in some instances the office of the
 female there must be used and that there must be no way to
 this in general practice in general. The female's position in
 the work but by this means the female's rights are
 better and also the position of the male. ~~General and other~~
~~instructions~~. The fact that the female's position is
 the witness that the female's rights are better.
 in the industrial, yet it is the female's position that is not
 called the office and by this the female's position is

Instruction No. _____

The court instructs the jury that when the woman is awake,
of mature years, of sound mind, and not in fear, a failure to
oppose the carnal act is consent, and even though she object ver-
bally if she make no outcry and no resistance ^{and} by her conduct
consents, ~~the~~ the carnal act is not ~~sexual~~ rape in the man, and that
the jury must be satisfied she resisted the man to the extent of
her ability, that resistance must be ^{up to the point of being} ~~overpowered~~ by actual force or
inability from loss of strength longer to resist or that resis-
tance is dangerous or absolutely useless; or there must be dread
or fear of death; that the ^{or denies bodily harm,} will of the woman must oppose the act
and that ^{any} ~~inclination favoring~~ ^{or acquiescence in it} ~~it~~ is fatal to the prosecution.

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 1901,
upon their oaths present that.....

Albert Suttler

on the 30th day of September, in the year 1911, in the said County,

did with force and arms in and upon Mrs Ella Eutsler

the said Mrs Ella Eutsler then being a female over the age of
fourteen years, to wit of the age of thirty years, violently and
feloniously did make an assault; and her the said Mrs.
Ella Eutsler, 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 Mrs. Ella Eutsler, J. W. Eutsler &
H. C. Harte witness... sworn in open Court and sent to the
Grand Jury to give evidence.

.....Clerk.

Commonwealth

INDICTMENT for a
felony

Albert Carter

A TRUE BILL

C. G. Starnes
Prosecutor

1914
New York Prison
arranged at New York
for imprisonment

We the jury find
the prisoner not guilty
Wm. H. Lewis
Attorney General