

166)

Com. Kiser

INSTRUCTION NO. _____.

The Court instructs the jury that the law presumes that the defendant in this cause is innocent of the offense of which he is charged in the indictment until his guilt is shown by ^{the} evidence beyond a reasonable doubt, ~~and the Court tells the jury that this presumption can only be overcome by proof beyond all reasonable doubt of every fact essential to make out the charge against him.~~ and the Court tells the jury that this presumption can only be overcome by proof beyond all reasonable doubt of every fact essential to make out the charge against him.

(25)

Comm. Bureau

1888

INSTITUTION NO. _____

The first sentence of the first paragraph of the contract is that the contractor shall be held responsible in this sense is important of the contract. It is also to be noted in the instructions that the contractor shall be held responsible beyond a reasonable doubt, ~~and the contractor shall be held responsible beyond a reasonable doubt~~ and the contractor shall be held responsible beyond a reasonable doubt. It is also to be noted in the instructions that the contractor shall be held responsible beyond a reasonable doubt, ~~and the contractor shall be held responsible beyond a reasonable doubt~~ and the contractor shall be held responsible beyond a reasonable doubt. It is also to be noted in the instructions that the contractor shall be held responsible beyond a reasonable doubt, ~~and the contractor shall be held responsible beyond a reasonable doubt~~ and the contractor shall be held responsible beyond a reasonable doubt.

1888

The Court instructs the jury that if they believe from the evidence, that the prosecutrix was not seduced by the defendant, but voluntarily, and solely for the gratification of her sexual desires, submitted to the connection, then they must find the defendant not guilty.

The Court instructs the jury that the failure of the accused to testify creates no presumption against him, and in considering his guilt or innocence, his failure to testify is not a circumstance which the jury is entitled to consider.

The Court instructs the jury that if they believe from the evidence, that the prosecu-
tor's evidence was not reduced by the defendant's
and, but voluntarily, and solely for the gratification of her
sexual desires, ~~she~~ admitted to the connection, then
they must find the defendant not guilty.

The Court instructs the jury that the failure of the
defendant to testify creates no presumption against him, and in con-
sidering his guilt or innocence, his failure to testify is not
a circumstance which the jury is entitled to consider.

INSTRUCTION NO. _____

To seduce is to lead astray from the path of virtue. As applied to this case, seduction is the offense of a married man in inducing an unmarried female of previous chaste character to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples.

EXHIBIT NO. _____

The purpose of this report is to provide information on the results of the study conducted in the field of _____ in the area of _____ in the year _____.

The study was conducted in the area of _____ in the year _____. The results of the study are as follows:

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Instruction No. _____.

The Court instructs the jury that a female of previous chaste character, as these words are used in the statute, is one who, before the act alleged in the indictment, had preserved her chastity in the sense that she had kept her person from actual defilement.

Instruction No. _____.

The Court instructs the jury that in a prosecution for the seduction of an unmarried female of previous chaste character, the previous chastity of the female is presumed until the contrary is shown.

The burden is on the defendant to impeach it.

Exhibition No. _____

The Court instructed the jury that a female of previous
unlawful character, as those words are used in the statute, is
one who, before she was alleged in the indictment, had pre-
served her chastity in the sense that she had had no sexual
intercourse with any male person.

*Com
Jean Rivers*

Exhibition No. _____

The Court instructed the jury that a female of previous
unlawful character, as those words are used in the statute, is
one who, before she was alleged in the indictment, had pre-
served her chastity in the sense that she had had no sexual
intercourse with any male person.

Given in good form

The Court instructs the jury that seduction as applied to this case is the offense of inducing an unmarried female of previous chaste character by a married man to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples.

Com

v

Jean Louis

Prothonotario for

Dept. of Police

or Prothonotario

[Faint handwritten text]

The Court finds that the jury that reduction is applied

reduction of character of a married man to consent to unlawful

sexual intercourse by enticement and influence which overcomes

for example.

Charge to the Jury.

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

If you find him guilty as charged in the indictment you will say so and then ascertain the term of his confinement in the penitentiary so that such term be not less than two years and not more than ten years.

Charge to the Jury.

If you find him not guilty you will say so and no more.
If you find him guilty as charged in the indictment you
will say so and find according to the terms of his confinement in the
penitentiary so that each term be not less than two years and not
more than ten years.

Charge to the Jury.
Com. V. Jesse Kiser.

*Report of the
Instructions given*

The jury are instructed that the seduction and illicit intercourse cannot be proved by the unsupported testimony of Catherine Heatwole, or from evidence emanating from her, but there must be some corroborating evidence in addition to hers to support the seduction and illicit intercourse, and that the offense was committed in Rockingham County.

The Court instructs the jury that seduction as applied to this case, is the use of some influence, promise, art, or means on the part of the defendant, which overcame the scruples and induced the prosecutrix to surrender her chastity and her virtue to defendant's embraces, and that she consented to and had sexual intercourse with defendant for no other reason.

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The fact that...
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In the Circuit Court for Rockingham Co.,

Commonwealth

Vs).

By an indictment for Filony

Jesse Kiser

BE IT REMEMBERED that upon the trial of this case the Commonwealth, to maintain the issue on its behalf, introduced the following testimony:

CATHARINE HEATWOLE, who, being sworn, testified in chief as follows: Examined by Mr. Strickler, Commonwealth's Attorney.

Q Miss Heatwole, what is your father's name?

A Mr. P. S. Heatwole.

Q Where do you live?

A At Hinton, Rockingham County, Virginia.

Q How old are you Miss Catharine?

A Sixteen.

Q When were you sixteen?

A This past April. I will be seventeen this coming April.

Q Do you know Jesse Kiser, the accused here?

A Yes, sir.

Q When did you first learn to know him? About when?

A Last November a year.

Q I believe he worked for your father, did he not?

A Yes, sir.

Q Do you know how long he worked for your father?

A Just about a year.

Q Did you talk with him frequently?

A Yes, sir.

Q At what times would you talk with him?

A In the evening.

BE IT REMEMBERED that upon the trial of this case the Commonwealth, to maintain the issue on its behalf, introduced the following testimony:

CATHERINE HEATWOLE, who, being sworn, testified in chief as follows: Examined by Mr. Stickler, Commonwealth's Attorney.

Q Miss Heatwole, what is your father's name?

A Mr. P. H. Heatwole.

Q Where do you live?

A At Hinton, Rockingham County, Virginia.

Q How old are you Miss Catherine?

A Sixteen.

Q When were you sixteen?

A This past April. I will be seventeen this coming April.

Q Do you know Jesse Kiser, the accused here?

A Yes, sir.

Q When did you first learn to know him? About when?

A Last November a year.

Q I believe he worked for your father, did he not?

A Yes, sir.

Q Do you know how long he worked for your father?

A Just about a year.

Q Did you talk with him frequently?

A Yes, sir.

Q At what times would you talk with him?

A In the evening.

Q Were your father and your mother at home?

A Yes, sir.

Q Where were they?

A Up at the barn.

Q What were they doing at the barn?

A Milking.

Q Was he through with his work when he was there talking with you at the house?

A I do not know about that.

Q Where did he go when he finished talking with you?

A Went home.

Q He would go on up the road from the house, would he?

A Yes, sir.

Q Which way did he live from your house, west or east?

A East.

Q Did he live on the Rawley pipe?

A Yes, sir.

Q Right at Hinton, I believe?

A Yes, sir.

Q About how far from your home?

A About a mile.

Q What did he tell you; anything about whether he loved you or not?

A Yes, sir.

MR. HAMMER: Let her tell that, Mr. Strickler.

Q How long was he there at your home before he made a statement like that to you do you reckon, or about how long?

A About six months.

Q Did he make love to you in any other way?

THE COURT: Ask her what he said. You have already directed her attention to the subject matter.

Q Now, what did he say? Tell the jury there what he said?

Q Were your father and your mother at home?

A Yes, sir.

Q Where were they?

A Up at the barn.

Q What were they doing at the barn?

A Working.

Q Was he through with his work when he was there talking

with you at the house?

A I do not know about that.

Q Where did he go when he finished talking with you?

A Went home.

Q He would go on up the road from the house, would he?

A Yes, sir.

Q Which way did he live from your house, west or east?

A East.

Q Did he live on the Hawley side?

A Yes, sir.

Q Right at Hinton, I believe?

A Yes, sir.

Q About how far from your house?

A About a mile.

Q What did he tell you; anything about whether he loved

you or not?

A Yes, sir.

MR. HAWLEY: Let her tell that, Mr. Brickley.

Q How long was he there at your home before he made a state-

ment like that to you do you reckon, or about how long?

A About six months.

Q Did he make love to you in any other way?

THE COURT: Ask her what he said. You have already directed her attention to the subject matter.

Q Now, what did he say? Tell the jury there what he said.

A He said that he loved me the first time he ever saw me; that he wished he had seen me before he saw his wife, and that he would die for me.

Q Did he tell you that many times?

A Yes, sir.

Q Did he caress you or hug you or kiss you?

A Yes, sir.

Q Did he do that every chance he got?

A Yes, sir.

Q He did that when he --

MR. HAMMER: (Interposing) Mr. Strickler, you know you ought not to do that. Don't suggest to the witness.

Q Did he talk with you very often?

A Most every evening.

MR. HAMMER: I declare, Mr. Strickler! Ask her how often, and let her say and not you.

THE COURT: Avoid leading questions, Mr. Strickler, if you can.

Q How often did he hug you and kiss you and caress you?

A Every time he talked to me.

Q Where was this? Was it inside of the house or outside?

A Inside of the house.

Q In what part of the house?

A In the kitchen.

Q Would he or would he not stop when your father and your mother came around?

A No, sir; he wouldn't stop when they came.

Q Do you mean he would not stop hugging and kissing you when they came?

A Yes, sir; he would stop hugging and kissing me when they came in.

Q Now, what inducements did he hold out to you --

Q You mean you wanted him to do that after you got to Hamilton

A He said that he loved me the first time he ever saw me; that he stated he had seen me before he saw his wife, and that he would like for me.

Q Did he tell you that many times?

A Yes, sir.

Q Did he embrace you or hug you or kiss you?

A Yes, sir.

Q Did he do that every chance he got?

A Yes, sir.

Q He did that when he --

MR. HANCOCK: (Interposing) Mr. Brinkley, you know you ought not to do that. Don't suggest to the witness.

Q Did he talk with you very often?

A Not every evening.

MR. HANCOCK: I believe, Mr. Brinkley, ask her how often, and let her say and not you.

THE COURT: Avoid leading questions, Mr. Brinkley, if you can.

Q How often did he hug you and kiss you and embrace you?

A Every time he talked to me.

Q Where was this? Was it inside of the house or outside?

A Inside of the house.

Q In what part of the house?

A In the kitchen.

Q Would he or would he not stop when your father and your

mother came around?

A No, sir; he wouldn't stop when they came.

Q Do you mean he would not stop hugging and kissing you

when they came?

A Yes, sir; he would stop hugging and kissing me when they

came in.

Q Now, what inducement did he hold out to you --

MR. HAMMER: I object.

MR. STRICKLER: Wait until I ask the question.

MR. HAMMER: I see the vice of it already, and I have to object.

THE COURT: Do not ask the question in that way, Mr. Strickler.

Q Did he make any proposal to you?

A Yes, sir.

Q Just tell the jury what that was?

A Well, one thing --

Q (Interposing) One thing I want to ask you: Did you learn to love him?

A Yes, sir.

Q Now, I want to ask you again, did he make a proposition to you of any kind?

A Yes, sir. He said if I went with him I wouldn't have to work.

Q Did he say you had it hard there?

A Yes, sir.

Q What was the proposition he made to you? Was there anything else? Did he say anything further?

A He said, we would go to Ohio and get married and nobody could ever molest us, and after I was twenty-one we could come back to Hinton and live and nobody would molest us.

Q Did he say anything about having consulted anyone?

A Yes, sir; he said he had seen a lawyer here in Harrisonburg.

Q Well, then, just go on and state what further arrangements were made?

A Well, he promised to get a horse and buggy, which he did, but the horse and buggy went off and left him, so we walked all the way to Staunton except two miles. I wanted him to get two rooms but he wouldn't do it.

Q You mean you wanted him to do that after you got to Staunton?

MR. HANMER: I object.

MR. STRICKLER: Wait until I ask the question.

MR. HANMER: I see the vice of it already, and I have to object.

THE COURT: Do not ask the question in that way, Mr. Strickler.

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A Yes, sir. He said if I went with him I wouldn't have to

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Q Did he say you had it hard there?

A Yes, sir.

Q What was the proposition he made to you? Was there any-

thing else? Did he say anything further?

A He said, we would go to Ohio and get married and nobody

could ever molest us, and after I was twenty-one we could come

back to Hinton and live and nobody would molest us.

Q Did he say anything about having consulted anyone?

A Yes, sir; he said he had seen a lawyer here in Harrison-

burg.

Q Well, then, just go on and state what further arrangements

were made?

A Well, he promised to get a horse and buggy, which he did,

but the horse and buggy went off and left him, so we walked all

the way to Stanton except two miles. I wanted him to get two

rooms but he wouldn't do it.

Q You mean you wanted him to do that after you got to Stanton?

A Yes, sir. He said that nobody knew us and he wanted to sleep with me every night that he could.

Q He said, that nobody knew you and he wanted to sleep with you every night?

A Yes, sir.

Q You walked, then, away from home?

A Yes, sir.

Q What time of the day did you leave home?

A About twelve o'clock in the night.

Q Now, when was this? I mean, about when if you cannot tell the exact date, probably? About how long ago was it?

A Tuesday, October 17th.

Q What year was it?

A 1916.

Q Which way did you go when you left home?

A Went down by Dayton.

Q You left home on the Rawley pike, did you?

A Yes, sir.

Q Did you go East on the Rawley pike?

A No, sir; we went down through the field.

Q You went through the fields?

A Yes, sir.

Q Now, where was the first place that he asked you to have intercourse with him?

A Mr. Sanger's.

Q What Sanger's was that?

A Mr. W. O. Sanger's.

Q Does W. O. Sanger live on the Rawley pike?

A No, sir.

Q Does he live near the Rawley pike?

A About two miles.

Q He lives in Rockingham county, does he?

A Yes, sir. He said that nobody knew us and he wanted to sleep with us every night that he could.

Q He said, that nobody knew you and he wanted to sleep with you every night?

A Yes, sir.

Q You walked, then, every four hours?

A Yes, sir.

Q What time of the day did you leave home?

A About twelve o'clock in the night.

Q Now, when was this? I mean, about when if you cannot tell

the exact date, probably? About how long ago was it?

A Tuesday, October 17th.

Q What year was it?

A 1916.

Q Which way did you go when you left home?

A Went down by Taylor.

Q You left home on the Hawley place, did you?

A Yes, sir.

Q Did you go back on the Hawley place?

A No, sir; so went down through the field.

Q You went through the field?

A Yes, sir.

Q Now, where was the first place that he asked you to have intercourse with him?

A Mr. Ganger's.

Q What Ganger's was that?

A Mr. W. O. Ganger's.

Q Does W. O. Ganger live on the Hawley place?

A No, sir.

Q Does he live near the Hawley place?

A About two miles.

Q He lives in Rockingham county, does he?

A Yes, sir.

Q Why did you allow him to have this relation with you?

MR. HAMMER: Question is objected to because the witness has not made any statement which justifies that question.

A Well, he kept on begging me until I just submitted to him, and he was my master.

Q You mean, you believed in him?

MR. HAMMER: Never mind, Mr. Strickler, what she believed. Let her tell, now.

Q Well, where was that? Was that in the road?

A Yes, sir.

Q About how long after you left home was that?

A I don't know just exactly what time it was.

Q Well, was it something like an hour after you left home?

A Yes, sir; something like that.

THE COURT: Where did that occur, did you say?

MR. STRICKLER: Near W. O. Sanger's.

THE COURT: In this county?

WITNESS: Yes, sir.

Q On the Rawley pike?

A No, sir; not on the Rawley pike.

Q It was before you got to Dayton?

A Yes, sir.

Q You passed near Dayton?

A We passed right through Dayton.

Q Do you know what time it was when you went through there?

A No, sir; I do not.

Q Then which way did you go?

A Went on down, then, and got on the Valley pike and went to Mt. Crawford.

Q You went on the Valley pike, then, to Mt. Crawford?

A Yes, sir.

Q Was it still night when you went through there?

A Yes, sir.

Q Why did you allow him to have this relation with you?

MR. HAMMER: Question is objected to because the witness has not made any statement which justifies that question.

A Well, he kept on begging me until I just submitted to him,

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A Yes, sir; something like that.

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MR. STRICKLER: Near W. O. Berger's.

THE COURT: In this county?

WITNESS: Yes, sir.

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A No, sir; not on the Rawley pike.

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A Yes, sir.

Q You passed near Dayton?

A We passed right through Dayton.

Q Do you know what time it was when you went through there?

A No, sir; I do not.

Q Then which way did you go?

A Went on down, then, and got on the Valley pike and went

to St. Crawford.

Q You went on the Valley pike, then, to St. Crawford?

A Yes, sir.

Q Was it still night when you went through there?

Q What did you do then the next morning?

A We did not go through Mt.Crawford, exactly -- the end of it.

Q Did you cross the bridge there at Mt.Crawford?

A One of them.

Q You mean the bridge at the other end of Mt.Crawford?

A Yes, sir.

Q This was still in the night, was it?

A No, sir; it was daytime then.

Q Did you get anything to eat that morning?

A No, sir.

Q Did you sleep any?

A No, sir.

Q You continued on towards Staunton, then, I believe?

A Yes, sir.

Q What time did you arrive in Staunton?

A About eight o'clock Wednesday night.

Q Did you ride any distance?

A Six miles.

Q What did you ride on?

A A bus.

Q Well, what did you do in Staunton?

A Went to a place and staid all night.

Q You mean that you did not get to Staunton until 8 o'clock at night?

A Yes, sir.

Q So you spent the day on the road, on Wednesday?

A Yes, sir; on Wednesday.

Q Do you remember what place you staid there?

A The "Palmer House," I think, is what they called it.

Q There is where you say he insisted you have one room?

A Yes, sir.

Q Did he have intercourse with you there that night?

A Yes, sir.

A We did not go through Mr. Crawford, exactly -- the end of it.

Q Did you cross the bridge there at Mr. Crawford's?

A One of them.

Q You mean the bridge at the other end of Mr. Crawford's?

A Yes, sir.

Q This was still in the night, was it?

A No, sir; it was daytime then.

Q Did you get anything to eat that morning?

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A Yes, sir; on Wednesday.

Q Do you remember what place you staid there?

A The "Palmer House", I think, is what they called it.

Q There is where you say he isolated you have one room?

A Yes, sir.

Q Did he have intercourse with you there that night?

A Yes, sir.

Q How long did you stay there that night?

Q What did you do then the next morning?

A We started out to Churchville but it got to raining and we went back and went down to Augusta Springs.

Q By railroad?

A Yes, sir.

Q What did you do there?

A Staid down there an hour or two and then came back to Staunton and staid all night there at the same place.

Q What did you do the next morning?

A Went out to Mr. Warner's, and hired to them.

Q Did he tell Mr. Warner that you were his wife?

A Yes, sir. He said we got married last August.

Q Where did you put-up there; where did you live while at Warner's?

A In a house there close to where they lived.

Q In a house close to where Warner lived?

A Yes, sir.

Q How long did you stay there?

A About a week.

Q Well, why did you discontinue living there?

A Mr. Croushorn came up and brought us back. We staid there until he came up and brought us away.

Q Did he have intercourse with you while you were living there?

A Yes, sir.

Q Every night?

A Yes, sir.

Q Did he say anything to you to the effect that he was ruining you?

A Yes, sir.

Q State what he said?

A He said: "Catharine, do you know who ruined you?" I said, "Yes; you did." He said, "I did but I couldn't help it." That

Q What did you do then the next morning?
 A We started out to Churchville but it got so raining and we
 went back and went down to Augusta Springs.

Q By railroad?

A Yes, sir.

Q What did you do there?

A Staid down there at home or two and then went back to
 Stanton and staid all night there at the same place.

Q What did you do the next morning?

A Went out to Mr. Warner's, and hired to them.

Q Did he tell Mr. Warner that you were his wife?

A Yes, sir. He said we got married last August.

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 Warner's?

A In a house there close to where they lived.

Q In a house close to where Warner lived?

A Yes, sir.

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A About a week.

Q Well, why did you discontinue living there?

A Mr. Gundersen came up and brought us back. He said

there until he came up and brought us away.

Q Did he have intercourse with you while you were living
 there?

A Yes, sir.

Q Every night?

A Yes, sir.

Q Did he say anything to you to the effect that he was rais-

ing you?

A Yes, sir.

Q State what he said?

A He said: "Gettin' on, do you know who raised you?" I said,

"Yes; you did." He said, "I did but I couldn't help it." That

was down at Mr. Will Sanger's.

Q That was the first time he had intercourse with you?

A Yes, sir.

Q Did he have any further improper relations or intercourse with you that night before you got to Staunton?

A Yes, sir.

Q Where did that occur?

A Between Dayton and Mt. Crawford.

Q Before daylight?

A Yes, sir.

Q Did he say anything about if he got out he would do it again?

A Yes, sir.

Q What did he say about that?

A He said, if they caught him and he got out he would try it again.

Q I believe I asked you: You did learn to love him?

A Yes, sir.

Q And have confidence in him?

A Yes, sir.

Q You say that he hugged you and put his arms around you?

A Yes, sir.

Q And caressed you?

A Yes, sir.

Q How did you go out of the house without your parents knowing it this night?

A I just came down and went out; that is all.

Q Did he make any signal to you to come out?

A No, sir; not that I remember.

Q How did you happen to know when to go out?

A I saw him light a cigarette.

Q You had arranged for him to meet you in the road that night?

A Yes, sir. Then he said he never saw a girl that he couldn't

was down at Mr. Will Banger's.

Q That was the first time he had intercourse with you?

A Yes, sir.

Q Did he have any further improper relations or intercourse

with you that night before you got to Hamilton?

A Yes, sir.

Q Where did that occur?

A Between Dayton and Mt. Crawford.

Q Before daylight?

A Yes, sir.

Q Did he say anything about it he got out he would do it again?

A Yes, sir.

Q What did he say about that?

A He said, if they caught him and he got out he would try it

again.

Q I believe I asked you: You did learn to love him?

A Yes, sir.

Q And have confidence in him?

A Yes, sir.

Q You say that he hugged you and put his arms around you?

A Yes, sir.

Q And caressed you?

A Yes, sir.

Q How did you go out of the house without your parents know-

ing it that night?

A I just came down and went out; that is all.

Q Did he make any signal to you to come out?

A No, sir; not that I remember.

Q How did you happen to know when to go out?

A I saw him light a cigarette.

Q You had arranged for him to meet you in the road that night?

A Yes, sir. Then he said he never saw a girl that he couldn't

make like him if he wanted to.

Q He said that he never saw a girl he couldn't make like him if he wanted to?

A Yes, sir; if he wanted to; and I would see the time I would wish I never saw him.

Q And you would see the time you would wish you had never seen him?

A Yes, sir. You see, I was in a spot.

Q Now, I understand, he worked for your father a year or two prior to the time he went away with you?

A Yes, sir.

Q And that he started to make love to you --

MR. HAMMER: (Interposing) That has all been gone over. It is precisely the question you have already asked.

THE COURT: The objection is overruled.

MR. STRICKLER: I want to get the time, and I want the inducements.

Q You say, about a month after he began working for your father he began making love to you?

MR. HAMMER: She did not say that. She said he had been working there about a year, and he had been there four months before he began making love to her.

THE COURT: Objection is overruled.

Q How long after he came to work for your father --

A (Interposing) About four or five months.

Q About four or five months, then, you say, after he came there he began making love to you; 6 or 7 months before you went away, then?

A Yes, sir.

Q And most every day?

A Yes, sir.

Q About how old were you when he first began making love to you?

make like him if he wanted to.

Q He said that he never saw a girl he couldn't make like

him if he wanted to?

A Yes, sir; if he wanted to; and I would see the time I would

wish I never saw him.

Q And you would see the time you would wish you had never

seen him?

A Yes, sir.

Q Now, I understand, he worked for your father a year or two

prior to the time he went away with you?

A Yes, sir.

Q And that he started to make love to you --

MR. HARRIS: (Interposing) That has all been gone
over. It is precisely the question you have
already asked.

THE COURT: The objection is overruled.

MR. STUBBINS: I want to ask the time, and I want
the inducement.

Q You say, about a month after he began working for your

father he began making love to you?

MR. HARRIS: She did not say that. She said he had
been working there about a year, and he had
been there four months before he began making
love to her.

THE COURT: Objection is overruled.

Q How long after he came to work for your father --

A (Interposing) About four or five months.

Q About four or five months, then, you say, after he came

there he began making love to you; 4 or 5 months before you went

away, then?

A Yes, sir.

Q And most every day?

A Yes, sir.

Q About how old were you when he first began making love to

you?

A Just about sixteen,-- I was a little over sixteen.

Q I don't mean when you ran off with him; you misunderstand me; you say he began making love to you six months before he ran off with you: now, what was your age when he first made love to you?

A I was a little over sixteen. It was in the spring.

Q Do you mean that you were a little over fifteen or sixteen?

A Sixteen. You see, I was 16 in April.

Q You were 16 in April?

A Yes, sir; and he commenced there in the spring, right then.

Q I was wrong myself. And you did not run off with him until August, I believe it was?

A October.

Cross-examination by Chas. A. Hammer, Esq.:

X How much do you weigh, Miss Heatwole?

A I do not know. I have not weighed for awhile.

X What did you weigh when you last weighed?

A One hundred and ninety pounds.

X How tall are you?

A I am five feet and five inches.

X You knew that Mr. Kiser was a married man?

A Yes, sir.

X You knew it was wrong to submit to his embraces?

A Partly.

X Had your mother gotten after you or said anything to you about your forwardness with him?

A Once.

X How long before you went away was it that this occurred?

A Which you mean?

X That your mother got after you for being so forward with Mr. Kiser in your conduct?

A Just about sixteen.-- I was a little over sixteen.
 Q I don't mean when you ran off with him; you misunderstood
 me; you say he began making love to you six months before he ran
 off with you; now, what was your age when he first made love to
 you?

A I was a little over sixteen. It was in the spring.
 Q Do you mean that you were a little over fifteen or sixteen?
 A Sixteen. You see, I was 16 in April.

Q You were 16 in April?
 A Yes, sir; and he commenced there in the spring, right then.
 Q I was wrong wasn't it. And you did not run off with him until

August, I believe it was?

A October.

Cross-examination by Chas. A. Hawser, Esq.:

X How much do you weigh, Miss Hastings?

A I do not know. I have not weighed for awhile.

X What did you weigh when you last weighed?

A One hundred and ninety pounds.

X How tall are you?

A I am five feet and five inches.

X You know that Mr. Kiser was a married man?

A Yes, sir.

X You know it was wrong to seduce in his presence?

A Entirely.

X Had your mother gotten after you or said anything to you

about your forwardness with him?

A Quite.

X How long before you went away was it that this occurred?

A Which you mean?

X That your mother got after you for being so forward with

Mr. Kiser in your conduct?

A I do not know.

X Miss Heatwole, was Mr. Jesse Kiser the first and only man that has had anything to do with you?

A Yes, sir.

X The only man?

A Yes, sir.

X Had he ever had anything to do with you before he started with you on this trip on this night?

A What do you mean?

X I mean had he ever had sexual intercourse with you before the night you and he ran away?

A No, sir.

X When did you say was the first time?

A Mr. Will Sanger's.

X Did he ask you to have intercourse with him there?

A Yes, sir.

X And you agreed?

A I had to.

X Why did you have to?

A Because he was my master.

X What do you mean by "He was my master"?

A He was stronger than I am.

X You knew he wasn't your master before you left home. You knew when you left home with him that night you expected to do that?

A Yes, sir; but promised he would be nice to me until we got married.

X Did you ever go to school?

A Yes, sir.

X How long did you go to school?

A Fourteen -- No, ten years.

MR. STRICKLER: You mean until you were 10 years old, or did you go to school for ten years.

-- 12 --

-- 13 --

A I do not know.

X Miss Herzog, was Mr. James Kiser the first and only man

that has had anything to do with you?

A Yes, sir.

X The only man?

A Yes, sir.

X Had he ever had anything to do with you before he started

with you on this trip on this night?

A What do you mean?

X I mean had he ever had sexual intercourse with you before

this night you and he ran away?

A No, sir.

X When did you say was the first time?

A Mr. Will Banger's.

X Did he ask you to have intercourse with him there?

A Yes, sir.

X And you agreed?

A I had to.

X Why did you have to?

A Because he was my master.

X What do you mean by "he was my master"?

A He was stronger than I am.

X You know he wasn't your master before you left home. You

know when you left home with him that night you expected to do

that?

A Yes, sir; but promised he would be nice to me until we

got married.

X Did you ever go to school?

A Yes, sir.

X How long did you go to school?

A Fourteen -- No, ten years.

MR. BISHOP: You mean until you were 10 years old, or did you go to school for ten years.

A I did. WITNESS: Ten years.

X You knew you could not marry a married man, didn't you?

A No; he told me if we went to Ohio we would get married and we would stay there.

X And you were willing to go with him to Ohio and let him leave his wife and little children in order that you could go away and take him away with you?

A Yes, sir; after he got me to love him and agree to it.

X When he first made love to you what resistance did you make or try to repel his advances, any?

A I did to some extent.

X To what extent?

A I said I wouldn't like him, but he kept on hugging and kissing me.

X Did you tell your mother and father when he first did that?

A No, sir.

X Why didn't you?

A Because I was afraid.

X Afraid of what?

A Afraid they would thrash me.

X Weren't you afraid when you went away that they would do the same thing?

A Yes, sir.

X What caused your mother to call you down about your conduct with Mr. Kiser?

A I don't know, sir.

X What did she see you doing?

A She did not see me doing anything.

X Why did she censure you or criticise your conduct?

A Well, she just mistrusted something.

X Why did she mistrust you, do you know?

A No, sir; I do not.

X Had you followed him every time he started away for home?

WITNESS: Ten Years.

X You knew you could not marry a married man, didn't you?

A No; he told me if we went to Ohio we would get married

and we would stay there.

X And you were willing to go with him to Ohio and let him

leave his wife and little children in order that you could go

away and take him with you?

A Yes, sir; after he got me to love him and agree to it.

X When he first made love to you what resistance did you

make or try to rebel his advances, say?

A I did to some extent.

X To what extent?

A I said I wouldn't like him, but he kept on kissing and

kissing me.

X Did you tell your mother and father when he first did that?

A No, sir.

X Why didn't you?

A Because I was afraid.

X Afraid of what?

A Afraid they would thrash me.

X Haven't you afraid when you went away that they would do

the same thing?

A Yes, sir.

X What caused your mother to call you down about your con-

duct with Mr. Kline?

A I don't know, sir.

X What did she see you doing?

A She did not see me doing anything.

X Why did she condemn you or criticize your conduct?

A Well, she just suspected something.

X Why did she mistrust you, do you know?

A No, sir; I do not.

X Had you followed him every time he started away for home?

A I did not follow him out anywhere.

X You did not?

A No, sir.

X When he started out of your door, did he start out the front door?

A No, sir; the same door he came in.

X Which one was that; the front door?

A No, sir; the door in the kitchen.

X When he would start home where were your father and mother usually?

A Out at the barn milking.

X Wouldn't you follow him out on the porch?

A No, sir.

X Miss Heatwole, when you started away that night it was intended to go to North River and take the train at North River depot was it not?

A Yes, sir.

X Why did you change your mind?

A Because there was somebody out there that he knew and he was afraid they would catch us.

X Wasn't the truth this: That you had a cousin or relative out there at North River Depot, and you said that "it would never do for us to go over there for I don't want to be seen"; isn't that the fact?

A No, sir.

X Haven't you a relative there?

A Yes, sir; I have a relative there, but I don't know them.

X Didn't they know you?

A No, sir.

X Didn't you advance that idea as the reason for not wanting to go to North River depot, that you would not want your relatives to see you?

A No, sir.

A I did not follow him out anywhere.

X You did not?

A No, sir.

X When he started out of your door, did he start out the

front door?

A No, sir; the same door he came in.

X Which one was that; the front door?

A No, sir; the door in the kitchen.

X When he would start home where were your father and mother

usually?

A Out at the farm milking.

X Wouldn't you follow him out on the porch?

A No, sir.

X Miss Handwick, when you started away that night it was intended to go to North River and take the train at North River

depot was it not?

A Yes, sir.

X Why did you change your mind?

A Because there was somebody out there that he knew and he

was afraid they would catch us.

X Wasn't the truth this; that you had a cousin or relative out there at North River depot, and you said that it would never do for us to go over there for I don't want to be seen; isn't that

the fact?

A No, sir.

X Haven't you a relative there?

A Yes, sir; I have a relative there, but I don't know them.

X Didn't they know you?

A No, sir.

X Didn't you advance that idea as the reason for not wanting to go to North River depot, that you would not want your

relatives to see you?

A No, sir.

X If you had already had sexual intercourse with him in Rockingham county on two occasions, why were you averse to going in a single room and to bed with him in Staunton?

A Well, I did not want to sleep with him.

X You had done everything you could, why didn't you want to sleep with him?

A I don't know why.

X You had offered no resistance at all, as I understand you, when he had intercourse with you at Mr. Sanger's?

MR. STRICKLER: She did not say that.

X What resistance did you offer, now, when he first had intercourse with you at Mr. Sanger's?

A Well, I didn't want him to.

X Did you sit down on the side of the road there or stand up or where were you?

A Yes, sir; we sat down.

X Who asked you to sit down?

A Didn't anybody. We sat down to rest.

X Did he push you over on the ground or did you simply lie down on the ground with him?

A He pushed me over, I guess.

X Before you laid down on the ground did he take any liberties with your person?

A Yes, sir.

X Didn't you know what he was going to do?

A Yes, sir.

X Why didn't you stop him?

A No, sir; I did not.

X Miss Heatwole, do you mean that you did not know that he was then intending and desired to have sexual intercourse with you?

A No, sir, for I had never been with nobody and didn't know anything about that.

X If you had already had sexual intercourse with him in
Hookingham county on two occasions, why were you averse to going

in a single room and to bed with him in Stamford?

A Well, I did not want to sleep with him.

X You had done everything you could, why didn't you want to

sleep with him?

A I don't know why.

X You had offered no resistance at all, as I understand you,

when he had intercourse with you at Mr. Sanger's?

MR. STEINBLINK: She did not say that.

X What resistance did you offer, now, when he first had

intercourse with you at Mr. Sanger's?

A Well, I didn't want him to.

X Did you sit down on the side of the road there or stand

up or where were you?

A Yes, sir; we sat down.

X Who asked you to sit down?

A Didn't anybody. We sat down to rest.

X Did he push you over on the ground or did you simply lie

down on the ground with him?

A He pushed me over, I guess.

X Before you laid down on the ground did he take any liberties

with your person?

A Yes, sir.

X Didn't you know what he was going to do?

A Yes, sir.

X Why didn't you stop him?

A No, sir; I did not.

X Miss Westcott, do you mean that you did not know that he

was then intending and desired to have sexual intercourse with you?

A No, sir, for I had never been with nobody and didn't know

anything about that.

X You never knew anything about that: What did you suppose he was doing?

A I did not know.

X Whom did you see on the road, anybody?

A No, sir.

X You saw no one whom you knew from the time you left your father's home until you got to Staunton?

A No, sir; not that I know of.

X You did not even ask him not to have intercourse with you there did you, Miss Heatwole?

A Yes, sir.

X You did? What resistance did you make?

A I told him not to.

X What garments were you wearing that night, Miss Heatwole?

A I had on a coat suit.

X And underclothing, I suppose?

A Yes, sir.

X Did you take any other clothing along with you?

A No, sir.

X You have attended church?

A Yes, sir.

X And have attended Sunday-school?

A Yes, sir.

X Frequently or not?

A Not so often.

X You belonged to the church, did you?

A Yes, sir.

Witness told to stand aside.

H. M. HEATWOLE, sworn, examined by Mr. Strickler for the Commonwealth:

Q What is your name?

Q You never knew anything about that? What did you suppose he was doing?

A I did not know.

Q When did you see on the road, anybody?

A No, sir.

Q You saw no one when you knew from the time you left your father's home until you got to Stanton?

A No, sir; not that I know of.

Q You did not even see him not to have intercourse with you there did you, Miss Keatwell?

A Yes, sir.

Q You did? What resistance did you make?

A I told him not to.

Q What garments were you wearing that night, Miss Keatwell?

A I had on a coat and skirt.

Q And underclothing, I suppose?

A Yes, sir.

Q Did you take any other clothing along with you?

A No, sir.

Q You have attended church?

A Yes, sir.

Q And have attended Sunday-school?

A Yes, sir.

Q Frequently or not?

A Not so often.

Q You belonged to the church, did you?

A Yes, sir.

Witness told to stand aside.

H. M. KEATWELL, sworn, examined by Mr. Stollner for the Com-

monwealth:

Q What is your name?

A Howard M. Heatwole.

Q You are a son of Peter S. Heatwole?

A Yes, sir,

Q You live on the Rawley pike, west of Harrisonburg, and on beyond Hinton?

A Yes, sir; live not quite a mile from there.

Q You are the brother of Miss Catharine Heatwole, the young girl here?

A Yes, sir.

Q Mr. Heatwole, just tell the jury there what you saw, but not anything that was told you, just what you saw the night your sister left or disappeared, taking up the first that you remember seeing and going right on through in sequence.

A The first I saw, Jim Ritchie was up at Olin Stover's farm and his car got out of fix and he sent my brother down to where I lived to get me to come up there and see if I could fix the car. I told him that I did not know anything about it, but I went up where the car was. It had been stopped between the two creeks there, Buttermilk Creek and War Branch stream, on the Rawley pike, there at the Dundore place. I was walking pretty briskly. I passed a man turning a horse around in the road; I said "Good evening, sir," and he said, "Good evening," and I passed on and thought nothing about it.

Q You mean that he was turning a horse and buggy around in the pike?

A Yes, sir; a horse and buggy. Then I saw a man ahead of me as I was walking up the road, and I did not pay any attention to him, and I passed him. It was Jesse Kiser, but I did not recognize him at the time.

Q That was the night he left?

A Yes, sir, the night he left.

A Howard M. Eastwood.

Q You are a son of Peter S. Eastwood?

A Yes, sir.

Q You live on the Hawley pike, west of Hartmannsburg, and on

beyond Hinton?

A Yes, sir; five not quite a mile from there.

Q You are the brother of Miss Catherine Eastwood, the young girl

here?

A Yes, sir.

Q Mr. Eastwood, just tell the jury there what you saw, but not

anything that was told you, just what you saw the night your sister

left or disappeared, telling up the first that you remember seeing

and going right on through in sequence.

A The first I saw, Jim Hinton was up at Jim Stever's farm

and his car got out of it and he went by brother down to where I

lived to get me to come up there and see if I could fix the car. I

told him that I did not know anything about it, but I went up where

the car was. It had been stopped between the two areas there,

between Greek and War Branch streams, on the Hawley pike, there

at the Dunbar place. I was walking pretty briskly. I passed a man

turning a horse around in the road; I said "Good evening, sir," and he

said, "Good evening," and I passed on and thought nothing about it.

Q You mean that he was turning a horse and buggy around in the

pike?

A Yes, sir; a horse and buggy. Then I saw a man ahead of me as

I was walking up the road, and I did not pay any attention to him,

and I passed him. It was Jesse Kiser, but I did not recognize him at

the time.

Q That was the night he left?

A Yes, sir, the night he left.

Q It was in the night time this occurred?

A It was night; I would say about 8 o'clock; I did not know the exact time. I did not recognize him at the time I passed him. I said "Good evening" and he said "Good evening," and I passed on then and crossed the bridge. I was around there for half to three quarters of an hour, and I said to Mr. Stover, "That man on the other side of the creek has never passed over yet and he must be drunk."

MR. HAMMER: You cannot tell that.

THE COURT: He can state that; I see no objection to that statement.

Objection, overruled, exception for defendant.

A (Contd) I said, we must go over and see about him. Mr. Stover and I went across the bridge, and there laid Mr. Kiser asleep, I supposed him to be drunk. I rolled him around and he let on to be drunk. I said, "He is drunk and I will take him home to his wife; it is a pitty to let him lie here drunk and his wife does not know where he is." So we went back to the car and I cranked it and we came down after Kiser but he was gone. Mr. Stover and I came down the road looking for him. As I got to the feed stable, we heard him walking up the road. Mr. Stover says, "Well, he is up and walking along and there is no use to follow him."

MR. HAMMER: How did you know that he was the man?

WITNESS: I judged that it was he.

Q You heard him walking?

A Yes, sir, and I judged that it was Kiser. I did not tell that as I ought. There was a man walking ahead of us, and Mr. Stover said "That is him and he is making it, and there is no use to follow him." I went on home, and the next morning when I went over to father's they said that Catharine had left that night. I, of course, took it then, from circumstantial evidence, his being over there and his acting, that he had left with Catharine.

Motion made to strike out answer of witness; overruled, exception for accused.

Q It was in the night time this occurred?
 A It was night; I would say about 8 o'clock; I did not know the exact time. I did not recognize him at the time I passed him. I said "Good evening" and he said "Good evening," and I passed on then and crossed the bridge. I was around there for half to three quarters of an hour, and I said to Mr. Stover, "That man on the other side of the creek has never passed over yet and he must be drunk."

MR. WARD: You cannot tell that.
 THE COURT: He can state that; I see no objection to that statement.

Objection, overruled, exception for defendant.
 A (Cont'd) I said, we must go over and see about him. Mr. Stover and I went across the bridge, and there I saw Mr. Kiser sitting. I supposed him to be drunk. I rolled him around and he let on to be drunk. I said, "He is drunk and I will take him home to his wife; it is a pity to let him lie here drunk and his wife does not know where he is." So we went back to the car and I cranked it and we went down after Kiser but he was gone. Mr. Stover and I came down the road looking for him. As I got to the lead stable, we heard him walking up the road. Mr. Stover says, "Well, he is up and walking along and there is no use to follow him."

MR. WARD: How did you know that he was the man?
 WITNESS: I judged that it was he.

Q You heard him walking?
 A Yes, sir, and I judged that it was Kiser. I did not tell that as I ought. There was a man walking ahead of us, and Mr. Stover said "That is him and he is making it, and there is no use to follow him." I went on home, and the next morning when I went over to father's they said that Catherine had left that night. I, of course, took it then, from circumstantial evidence, his being over there and his saying that he had left with Catherine.

Witnes made to strike out answer of witness; overruled, exception for accused.

Q When did you next see your sister after she left that night?

A When Mr. Crousehorn brought her home.

Q Did you see Kiser after that?

A I never saw Kiser until the other day when he was brought into the court-room.

Q You live on adjoining farms to your father's farm?

A Yes, sir.

Q And you go to your father's frequently?

A Yes, sir.

Q Did you or did you not see Kiser about there after your sister disappeared?

A I never saw him there after her disappearance.

Q Do you know anything else at all about this case? I understand that you did not live at your father's?

A I do not live there.

Q You are married and live in your own home?

A I live three or four hundred yards above my father's home; we live on the same farm, but I am there as tenant in other buildings.

Q Did you ever see Jesse Kiser talking to your sister?

A I saw him talking to my sister as a man ought to talk, that is, with respect and like that, but little did I suppose he was trying to gain her confidence and steal her away from home. That was worked up behind our back, as she told you awhile ago.

Q Did you hear anyone whistling around there?

A I was not there. I was at my home where I ought to be.

Q That is all you know about this case?

A Yes, sir; as far as I knew that night.

Q Let us see; you did not talk to Kiser after that?

A I never talked to Mr. Kiser at all. The last time he talked to me he borrowed three dollars of me; he said he wanted to pay expenses that he was going down to rent a hay-press, and I was to hook my engine

Q When did you next see your sister after she left that night?

A When Mr. Grossman brought her home.

Q Did you see Kiser after that?

A I never saw Kiser until the other day when he was brought into the court-room.

Q You live on adjoining farms to your father's farm?

A Yes, sir.

Q And you go to your father's frequently?

A Yes, sir.

Q Did you or did you not see Kiser about there after your sister disappeared?

A I never saw him there after her disappearance.

Q Do you know anything else at all about this case? I understand that you did not live at your father's?

A I do not live there.

Q You are married and live in your own home?

A I live three or four hundred yards above my father's home; we live on the same farm, but I am there as tenant in other buildings.

Q Did you ever see Jennie Kiser talking to your sister?

A I saw her talking to my sister as a man ought to talk, that is, with respect and like that, but I think I suppose he was trying to gain her confidence and steal her away from home. That was worked up behind our back, as she told you awhile ago.

Q Did you hear anyone whistling around there?

A I was not there. I was at my home where I ought to be.

Q That is all you know about this case?

A Yes, sir; as far as I know that night.

Q Let us see; you did not talk to Kiser after that?

A I never talked to Mr. Kiser at all. The last time he talked to me he borrowed three dollars of me; he said he wanted to pay expenses that he was going down to rent a hay-press, and I was to hear my engine

to it for him. That was the way he fooled me.

Q How long was that before he ran off?

A The day before. He came to town and then he came back and got her. That was the last I talked to him. I found him there on the road side and I rolled him around and thought he was drunk, and spoke to him but he gave me no answer. I have not talked to him since then.

CROSS-EXAMINATION BY MR. HAMMER:

X Let's see if I have the locations right: Your father lived in the old Dundore home.

A You know where the Dundore place is, there between Buttermilk creek and War Branch. You know where you have to cross War Branch when you go west?

X Yes, sir.

A Well, it is right there in the corner.

X Just above Joe Showalter's, isn't it?

A Yes, sir; it is three houses above Jos Showalter's.

X How far were you and Stover from your father's house when you were there working on the car?

A From here to that house over there (indicating). Right down the road a little way; right at the mail-box between the two streams.

Witness dismissed.

S. E. BEALL, sworn, examined by Mr. Strickler for the Commonwealth:

Q Where do you live, Mr. Beall?

A Dayton, Va.

Q What is your business?

A Livery.

Q Do you know the defendant here, Jesse Kiser? Did you ever see him before?

A Not before I hired my team to him.

to it for him. That was the way he looked at.

Q How long was that before he ran off?

A The day before. He came to town and then he came back and got her. That was the last I talked to him. I found him there on the road wife and I talked him around and thought he was drunk, and spoke to him but he gave me no answer. I have not talked to him since then.

DEPOSITION OF MR. WALKER

I don't see if I have the location right: Your father lived in the old Dunbar house.

A You know where the Dunbar place is, there between Gutterman creek and the branch. You know where you have to cross the branch when you go west?

Y Yes, sir.

A Well, it is right there in the corner.

I just spoke to Snowwater's, last night.

A Yes, sir; it is three houses above Joe Snowwater's.

X How far were you and Stover from your father's house when you were there working on the day?

A Four hours to last horse over there (indicating). Right down the road a little way; right at the mill-hol between the two streams.

Witness dismissed.

S. E. BELL, sworn, examined by Mr. Strickler for the Commonwealth:

Q Where do you live, Mr. Bell?

A Dayton, Va.

Q What is your business?

A Livery.

Q Do you know the defendant here, James Kinser? Did you ever see him before?

A Not before I hired my team to him.

Q Just tell this jury what he said to you, anything he said to you. Well, first, did you hire a team to him?

A Yes, sir.

Q In October, 1916?

A Yes, sir.

Q Now, just state to the jury what he said to you and what you did? Don't tell anything you heard from anyone else than Kiser. Did you speak to Kiser himself?

A Well, I met him on the street one evening there in Dayton and he says to me, "Are you the liveryman of Dayton?" I told him that I was. He says, "I want a team to go to Hinton?" I says, "Where is Hinton"; and he says, "It is over on the Rawley pike." I said, "How far is it?" and he said, "I don't really know." I asked him when he wanted the team and he said he wanted it right away. I told him I could not hire to him right away as the horse had to have time to eat first. He says, "What is it going to cost me?" and I says, "Two dollars." He says, "When you go to Hinton and back I want you to arrange to have a boy go to Mt.Crawford and bring the team back as I want to catch the train there the next morning; and I said, "Very good." He handed me five dollars, and I kept two dollars and handed him the money. He says, "What is it going to cost to go to Mt.Crawford?" I says, "A dollar." I knew the distance to Mt.Crawford but did not to Hinton. He handed me five dollars and I handed him two dollars. He says, "How soon are you going?" I says, "As soon as I have my supper and hitch up." He said he wanted to get to Hinton about 9 o'clock. When I handed him the two dollars I could see that he was drinking, and I said to him, "You are not a fit subject to go with my team and I will just go along with you myself." He says, "There will be no room for you in the buggy," and I says, "Why not?" and he says, "The girl I am going for weighs two hundred." I said, "I am going

Q Just tell this jury what he said to you, anything he said to you. Well, first, did you hire a team to him?

A Yes, sir.

Q In October, 1911?

A Yes, sir.

Q Now, just state to the jury what he said to you and what you did? Don't tell anything you heard from anyone else than Elmer. Did you speak to Elmer himself?

A Well, I met him on the street one evening there in Dayton and he says to me, "Are you the liverman of Dayton?" I told him that I was. He says, "I want a team to go to Hinton." I says, "Where is Hinton?" and he says, "It is over on the Hawley pike." I said, "How far is it?" and he said, "I don't really know." I asked him when he wanted the team and he said he wanted it right away. I told him I could not hire to him right away on the horse but to have time to get first. He says, "What is it going to cost me?" and I says, "Two dollars." He says, "When you go to Hinton and back I want you to arrange to have a boy go to Mt. Crawford and bring the team back as I want to catch the train there the next morning; and I said, "Very good." He handed me five dollars, and I kept two dollars and handed him the money. He says, "What is it going to cost to go to Mt. Crawford?" I says, "A dollar." I knew the distance to Mt. Crawford but did not go to Hinton. He handed me five dollars and I handed him two dollars. He says, "How soon are you going?" I says, "As soon as I have my supper and hitch up." He said he wanted to get to Hinton about 9 o'clock. When I handed him the two dollars I could see that he was drinking, and I said to him, "You are not a fit subject to go with my team and I will just go along with you myself." He says, "There will be no room for you in the buggy," and I says, "Why not?" and he says, "The girl I am going for weighs two hundred." I said, "I am going

if I have to ride on the axle. I went on to supper, and he was in a hurry to leave the stable and he sent a little boy to my place to ask me to be in a hurry and come down, and I said --

MR. HAMMER: I object. You cannot repeat conversation you had with anybody else.

Q State anything you said that is material here.

A Well, I came on down and got the buggy hitched up and got the horse out, and I said, "Kiser, what are you up to?" and he said for me to hurry as we were late leaving. He told me where his parents lived, and I told him that I did not know him but I knew his parents. While we were on the road going over to Hinton he told me all about what he was going to do. He said he was going to steal this girl, and said he was a married man and had a family and three children. I told him that was the wrong thing to do. When we got to Hinton he said "Here is where my wife lives;" and I said, "I will be damned if you go with me." He told me that if I did not take him he would walk. I took him up there and he got out of the buggy this side of the creek. Then when I was turning my buggy around in the road I met Mr. Heatwole, and he said "Good evening" and I said "Good evening."

Q You knew Mr. Heateole, did you?

A No, sir. My horses head was next to the fence on the side he was passing, and it was dark.

Q How did you know it was Mr. Heatwole?

A I did not know it. It was dark and I spoke out boldly, and I did not know then who it was. I did not know that this lady had any brothers at all. I waited there for awhile and Mr. Kiser said, "I want you to wait," and I says, "I am not going to wait any longer." He came back to me and he says, "They have found me out and I pretended that I was drinking -- that I was dead drunk." I told Kiser that I was going home, and he asked me not to leave him, but I told him I was going to leave him and I did leave him and came on home. He told me

Q If I have to ride on the axle. I went on to supper, and he was in a hurry to leave the stable and he sent a little boy to my place to ask me to be in a hurry and come down, and I said --

MR. HANCOCK: I object. You cannot repeat conversation you had with anybody else.

Q State anything you said that is material here.

A Well, I came on down and got the buggy hitched up and got the horse out, and I said, "Kinser, what are you up to?" and he said for me to hurry as we were late leaving. He told me where his parents lived, and I told him that I did not know him but I knew his parents. While we were on the road going over to Hinton he told me all about what he was going to do. He said he was going to steal this girl, and said he was a married man and had a family and three children. I told him that was the wrong thing to do. When we got to Hinton he said "Here is where my wife lives;" and I said, "I will be damned if you go with her." He told me that if I did not take him he would walk. I took him up there and he got out of the buggy this side of the creek. Then when I was turning my buggy around in the road I met Mr. Heston, and he said "Good evening" and I said "Good evening."

Q You know Mr. Heston's, did you?

A No, sir. My horse had run next to the fence on the side he was passing, and it was dark.

Q How did you know it was Mr. Heston's?

A I did not know it. It was dark and I spoke out boldly, and I did not know that who it was. I did not know that this lady had any brothers at all. I waited there for awhile and Mr. Kinser said, "I want you to wait," and I says, "I am not going to wait any longer." He came back to me and he says, "They have found me out and I presented that I was drinking -- that I was dead drunk." I told Kinser that I was going home, and he asked me not to leave him, but I told him I was going to leave him and I did leave him and came on home. He told me

up there exactly as Mr. Strickler told this jury this morning what he was going to do.

Q Just state in his words, as near as you can, just what he told you.

A He told me up there that he was going to take this girl off and marry her and go into another State; that he had gotten the girl to love him and got her ^{going} his way. I told him he ought to be ashamed of himself, being a man with a wife and three children. He said he did not give a so and so, that he was going into another State, and he wanted me to take him to Mt. Crawford where he could catch the train and go to Staunton and then to Ohio, and then he would marry the girl.

Q So he stated that he had gotten the girl to go his way?

A He said he loved her and kissed her and got her going his way.

Q You got to thinking over that thing and you left for your home?

A Yes, sir. I knew he was doing the wrong thing and so I turned my horse around and came back home. I told him he was not a fit man to take a team out because he was drinking whiskey.

Witness dismissed

H. M. HEATWOLE RECALLED for Commonwealth:

Q Do you know your sister's age, Mr. Heatwole?

A Yes, sir; she is 16 and will be 17 in April of this year.

Witness dismissed.

D. R. CROUSEHORN, sworn, examined by Mr. Strickler for the Commonwealth:

Q Mr. Crousehorn, just state what you know about this case? You know what is proper to tell; tell what you know. State when you first got acquainted with the case and so on.

A The first I knew of the case, Mr. Heatwole here came to me and asked me to try to find his sister who had left home the night

Q Just state in his words, as near as you can, just what he told you.

A He told me up there that he was going to take this girl off and marry her and go into another State; that he had gotten the girl to love him and got her his way. I told him he ought to be ashamed of himself, being a man with a wife and three children. He said he did not give a no and so, that he was going into another State, and he wanted me to take him to St. Crawford where he could catch the train and go to St. Louis and then to Ohio, and then he would marry the girl.

Q So he stated that he had gotten the girl to go his way?

A He said he loved her and kissed her and got her going his way.

Q You got to thinking over that thing and you left for your home?

A Yes, sir. I knew he was doing the wrong thing and so I turned my horse around and came back home. I told him he was not a fit man to take a team out because he was drinking whiskey.

Witness dismissed

H. M. HESTWICK SWORN FOR COMMISSIONERS

Q Do you know your sister's age, Mr. Hestwick?

A Yes, sir; she is 16 and will be 17 in April of this year.

Witness dismissed.

D. R. GROSSBORN, sworn, examined by Mr. Strickler for the Commission:

Q Mr. Grossborn, just state what you know about this case? You know what is proper to tell; tell what you know. State when you first got acquainted with the case and so on.

A The first I knew of the case, Mr. Hestwick here came to me and asked me to try to find his sister who had left home the night

before and told me she had left with --

MR. HALBEMER: I do not think it is proper for him to state what Mr. Heatwole told him.

THE COURT: As far as his statement has gone it is proper.

A Well, I was requested to look for her and for Mr. Jesse Kiser. That afternoon Mr. Heatwole and I, after we failed over the telephone to get any trace of them, went to Dayton and there talked to Mr. Beall. We were gone all the afternoon and failed to get any further trace of them than what Mr. Beall told us; and we did not hear anything more until a couple of days afterwards. I then sent out six or seven hundred letters or circulars with a description of both of them, mailing them all over Augusta county, Alleghany, Albemarle and Rockbridge counties, and I think, probably, Bath. The next afternoon I had a telephone message stating that a couple that answered that description had passed through Mt. Crawford the morning after they were supposed to have left; and, later, another message came that they had passed through Burketown. I then wrote to the daily papers in Staunton asking them to make a newsitem of the occurrence; and the next evening after mailing those letters I received a telephone message from the Chief of Police in Staunton telling me that he thought that he could give me some information. I went to Staunton late that evening and in company with the Chief of Police went two miles out of Staunton on the Churchville road, at a point just off the Churchville road, south, at a place owned by Mr. Warner, I found Kiser and Miss Heatwole. They had gone to housekeeping at Mr. Warner's place, and I brought them home. Mr. Heatwole had a warrant issued for Kiser the first day he came to me, charging seduction, and I placed Kiser under arrest and placed him in jail and took Miss Heatwole home.

Q Who did you say had the warrant for Kiser?

A Miss Heatwole's brother, Mr. Howard Heatwole.

before and told me the last left with --

MR. BARNES: I do not think it is proper for me to state what Mr. Heston told him.

THE COURT: As far as his statement goes you are in error.

I will, I was requested to look for him and for Mr. Lane. That afternoon Mr. Heston and I, after we talked over the telephone to get any trace of them, went to Dayton and there talked to Mr. Heston. He was gone all the afternoon and failed to get any further trace of them than what Mr. Heston told me and we did not hear anything more until a couple of days afterwards. I then sent out six or seven hundred letters of circulation with a description of both of them, calling them all over Indiana county, Allegheny, Adams and Hooker's counties, and I think, probably, also. The next afternoon I had a telephone message stating that a couple had answered that description and named through Mr. Heston the morning after they were supposed to have left; and, later, another message came that they had passed through Huntington. I then wrote to the daily papers in Huntington asking them to make a mention of the occurrence; and the next evening after mailing these letters I received a telephone message from the Chief of Police in Huntington telling me that he thought that he could give me some information. I went to Huntington late that evening and in company with the Chief of Police went to the station on the Columbus road, at a point just off the Columbus road, south of a place owned by Mr. Turner. I found Lane and Heston. They had gone to bunking up at Mr. Turner's place, and I brought them home. Mr. Heston had a warrant issued for Lane and that day he came to me, charging seduction, and I placed Lane under arrest and placed him in jail and took him to Heston's home.

Q Who did you say had the warrant for Lane?

A Also Heston's brother, Mr. Hovars Heston.

Q You say they were living there in a tenant house?

A They were living there in a two or three room cottage on a place belonging to a man named Warner, just outside of Staunton. They were living there in the cottage alone.

Q How long had they been missing at that time?

A I think, probably, about nine or ten days -- 9 or 10 days.

Q Did Kiser make any statement of any kind?

A I asked him what he meant by taking the girl off this way, and before he could answer she spoke up and said, "We loved each other -- we loved each other," but he did not say anything at all at that time.

A I did ask Kiser this, after I had talked to Mr. Warner; I asked Kiser what he meant by telling Warner that they were married -- that this girl was his wife -- that is the way I put it; what did he mean by telling this man that this girl was your wife when you knew you had a wife living in Rockingham? He said, "I did not tell him that she was my wife." I said, "Didn't you tell him that you had been married last harvest down below Broadway?" and he said, "Well, I did not tell him that she was my wife." That was the reply he made to that question.

Q He left you under the impression that he had married her but she was not his wife, is that the idea?

A That is just what took place. I asked him why he told Mr. Warner that the girl was his wife, and he denied ever telling him. Then I asked him, "Didn't you tell Mr. Warner that you had married last harvest down below Broadway?" and he said, "Well, I didn't tell him that she was my wife."

Q Was there any other statement that he made to you?

A Nothing that I now recall. It has been some little time ago.

Q That is all you know about it?

A That is all.

Witness dismissed.

Q You say they were living there in a tenant house?
 A They were living there in a two or three room cottage on
 a place belonging to a man named Warner, just outside of Stanton.
 They were living there in the cottage alone.

Q How long had they been living at that time?
 A I think, probably, about nine or ten days -- 9 or 10 days.

Q Did Kiser make any statement of any kind?
 A I asked him what he meant by taking the girl off this way,

and before he would answer she spoke up and said, "No loved ones other
 we loved each other," but he did not say anything at all at that time.

Q I did not Kiser then, after I had talked to Mr. Warner; I asked
 Kiser what he meant by telling Warner that they were married -- that

the girl was his wife -- that is the way I put it; what did he mean
 by telling this man that this girl was your wife when you know you

had a wife living in Rockingham? He said, "I did not tell him that
 she was my wife." I said, "Didn't you tell him that you had been

married last harvest down below Broadway?" and he said, "Well, I did
 not tell him that she was my wife." That was the reply he made to

that question.

Q We left you under the impression that he had married her but
 she was not his wife, is that the idea?

A That is just what took place. I asked him why he told Mr. Warner
 that the girl was his wife, and he denied ever telling him. Then I

asked him, "Didn't you tell Mr. Warner that you had married last
 harvest down below Broadway?" and he said, "Well, I didn't tell him

that she was my wife.

Q Was there any other statement that he made to you?
 A Nothing that I now recall. It has been some little time ago.

Q That is all you know about it?
 A That is all.

Witness dismissed.

This being all of the evidence introduced or offered to be introduced on behalf of the Commonwealth, and no evidence being offered on behalf of the accused, the case was submitted to the jury, which, after being instructed by the court as set forth in Bill of Exceptions No. 2, and hearing arguments of Counsel, retired to their room to consider of their verdict, and, after awhile, returned into court and rendered the following verdict:

We the jury find the prisoner, Jesse Kiser, guilty as charged in the indictment, and fix his punishment at confinement in the penitentiary for the term of five years. R. S. Bowers, Foreman."

Whereupon the defendant, by Counsel, moved the Court to set aside the verdict as contrary to the law and the evidence and grant him a new trial, which motion the Court overruled and entered judgment in accordance with the finding of the verdict of the jury, to which action of the Court in overruling said motion and in refusing to set aside said verdict and grant him a new trial, and in entering the judgment aforesaid, the defendant, by Counsel, excepted, and prays that this, his Bill of Exceptions No. 1, may be signed, sealed and enrolled and made a part of the record in this case, which is accordingly done this 8th day of March, 1917, and within thirty days from the date on which said judgment was entered.

J. N. Mason, Judge (SEAL.)

The Court instructs the jury that seduction, as applied in this case is the use of some influence, promise, art, or means on the part of the defendant, which overcomes the scruples and induces the prosecutrix to surrender her chastity and her virtue to defendant's embrace, and that she consented to and had sexual intercourse with defendant for no other reason.

This being all of the evidence introduced or offered to be introduced on behalf of the Commonwealth, and no evidence being offered on behalf of the accused, the case was submitted to the jury, which after being instructed by the court as set forth in Bill of Exceptions No. 1, and hearing arguments of Counsel, retired to their room to consider of their verdict, and after awhile, returned into court and rendered the following verdict:

We the jury find the prisoner, James Kiner, guilty as charged in the indictment, and fix his punishment at confinement in the penitentiary for the term of five years. H. B. Bowers, Foreman.

Thereupon the defendant, by Counsel, moved the Court to set aside the verdict as contrary to the law and the evidence and grant him a new trial, which motion the Court overruled and entered judgment in accordance with the finding of the verdict of the jury, to which action of the Court in overruling said motion and in refusing to set aside said verdict and grant him a new trial, and in entering the judgment aforesaid, the defendant, by Counsel, excepted, and prays that this Bill of Exceptions No. 1 may be signed, sealed and enrolled and made a part of the record in this case, which is subscribed this 8th day of March, 1917, and within thirty days from the date on which said judgment was entered.

James Kiner

 (Seal)

BE IT REMEMBERED that upon the trial of this case, after the testimony set forth in Bill of Exceptions No. 1 had been introduced, the defendant, by counsel, prayed the Court to instruct the jury as follows.

No. 1

"The Court instructs the jury that the law presumes that the defendant in this cause is innocent of the offense of which he is charged in the indictment until his guilt is shown by the evidence beyond a reasonable doubt, and the Court tells the jury that this presumption can only be overcome by proof beyond all reasonable doubt of every fact essential to make out the charge against him."

No. 2.

"The Court instructs the jury that if they believe from the evidence, that the prosecutrix was not seduced by the defendant, but voluntarily, and solely for the gratification of her sexual desires, submitted to the connection, then they must find the defendant not guilty."

No. 3

"The Court instructs the jury that the failure of the accused to testify creates no presumption against him, and in considering his guilt or innocence, his failure to testify is not a circumstance which the jury is entitled to consider."

No. 4

"The jury are instructed that the seduction and illicit intercourse cannot be proved by the unsupported testimony of Catharine Heatwole, or from evidence emanating from her, but there must be some corroborating evidence in addition to hers to support the seduction and illicit intercourse, and that the offense was committed in Rockingham County."

No. 5

"The Court instructs the jury that seduction as applied to this case is the use of some influence, promise, art, or means on the part of the defendant, which overcame the scruples and induced the prosecutrix to surrender her chastity and her virtue to defendant's embraces, and that she consented to and had sexual intercourse with defendant for no other reason."

Handwritten notes in the left margin: "The Court instructs the jury that the failure of the accused to testify creates no presumption against him, and in considering his guilt or innocence, his failure to testify is not a circumstance which the jury is entitled to consider."

HE IS REQUESTED that upon the trial of this case, after the testimony set forth in Bill of Exceptions No. 1 had been introduced, the defendant, by counsel, pray the Court to instruct the jury as follows:

"The Court instructs the jury that the law presumes that the defendant in this cause is innocent of the offense of which he is charged in the indictment until his guilt is shown by the evidence beyond a reasonable doubt, and the Court tells the jury that this presumption can only be overcome by proof beyond all reasonable doubt of every fact essential to make out the charge against him."

"The Court instructs the jury that it may believe from the evidence that the prosecution was not induced by the defendant, but voluntarily, and solely for the gratification of her sexual desire, and that they must find the defendant not guilty."

"The Court instructs the jury that the failure of the accused to testify creates no presumption against him, and in considering his guilt or innocence, his failure to testify is not a circumstance which the jury is entitled to consider."

"The jury are instructed that the seduction and illicit intercourse may be proved by the unopposed testimony of Catherine Weisweil, or from evidence emanating from her, but there must be some corroborating evidence in addition to hers to support the seduction and illicit intercourse, and that the offense was committed in Rockingham County."

"The Court instructs the jury that seduction as applied to this case is the use of some influence, promise, etc. on words on the part of the defendant, which overcomes the scruples and induces the prosecutrix to surrender her chastity and her virtue to defendant's embraces, and that she consented to and had sexual intercourse with

defendant for no other reason."

No. 6

"The Court instructs the jury that seduction as applied to this case is the offense of inducing an unmarried female of previous chaste character by a married man to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples."

To the giving of these instructions and each of them the Commonwealth, by Counsel, objected which objection the Court sustained as ~~to~~ instructions Nos. 4, 5 and 6, and gave to the jury the other instructions as prayed for by the defendant, ^{and} ~~which~~ ^{the} action of the Court in refusing to give the said instructions Nos. 4, 5 and 6, as prayed for, ~~by~~ the defendant, by counsel, excepted.

~~Thereupon, on refusal of said instructions asked for by the defendant,~~ ^{And further} the Court gave to the jury the following instructions asked for by the counsel for the Commonwealth:

"The Court instructs the jury that a female of previous chaste character, as these words are used in the statute, is one who, before the act alleged in the indictment, had preserved her chastity in the sense that she had kept her person from actual defilement."

"The Court instructs the jury that in a prosecution for the seduction of an unmarried female of previous chaste character, the previous chastity of the female is presumed, ^{until the contrary is shown.} and the burden is on the defendant to impeach it."

To the ~~giving~~ ^{three} giving of which ~~two~~ last instructions above, as asked for the Commonwealth, the defendant offered no objection.

And thereupon the defendant, by Counsel, prays that this his Bill of Exception No. 2 may be signed, sealed and enrolled and made a part of the record in this case, which is accordingly done this 8th day of March, 1917, and within 30 days from the date on which said judgment was entered.

J. M. Haas, Judge (SWAI.)

+ (1) To seduce is to lead astray from the path of virtue. As applied to this case, seduction is the offense of a married man in inducing an unmarried female of previous chaste character to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples.

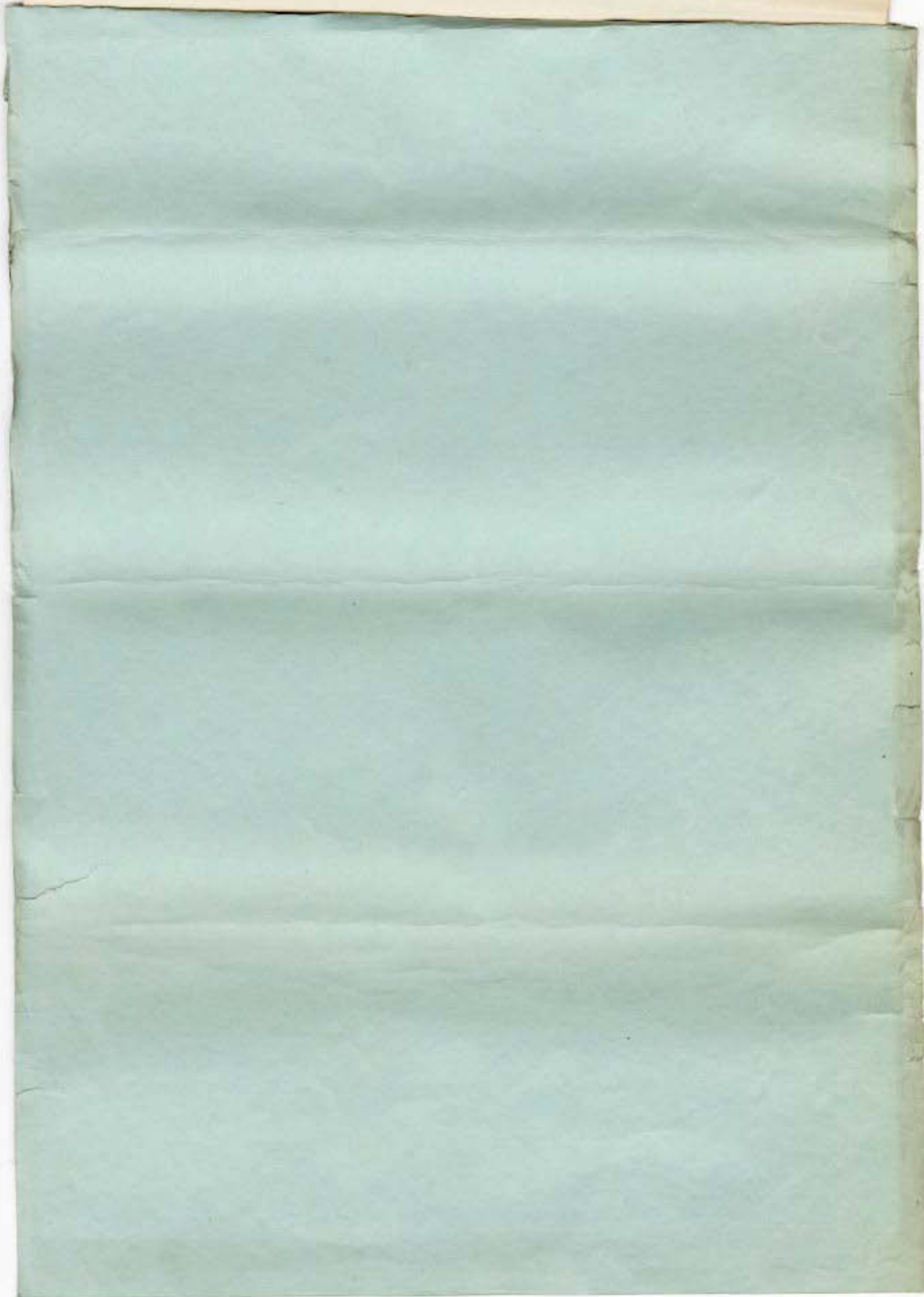
No. 2

"The Court instructs the jury that evidence as applied to this case is the offense of inducing an unmarried female of previous chaste character by a married man to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples."

To the giving of these instructions and each of them the defendant, by counsel, objected which objection the Court sustained as to instructions Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 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593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

The Court instructed the jury that evidence as applied to this case is the offense of inducing an unmarried female of previous chaste character by a married man to consent to unlawful sexual intercourse by enticements and influences which overcome her scruples.

(SHEAR)

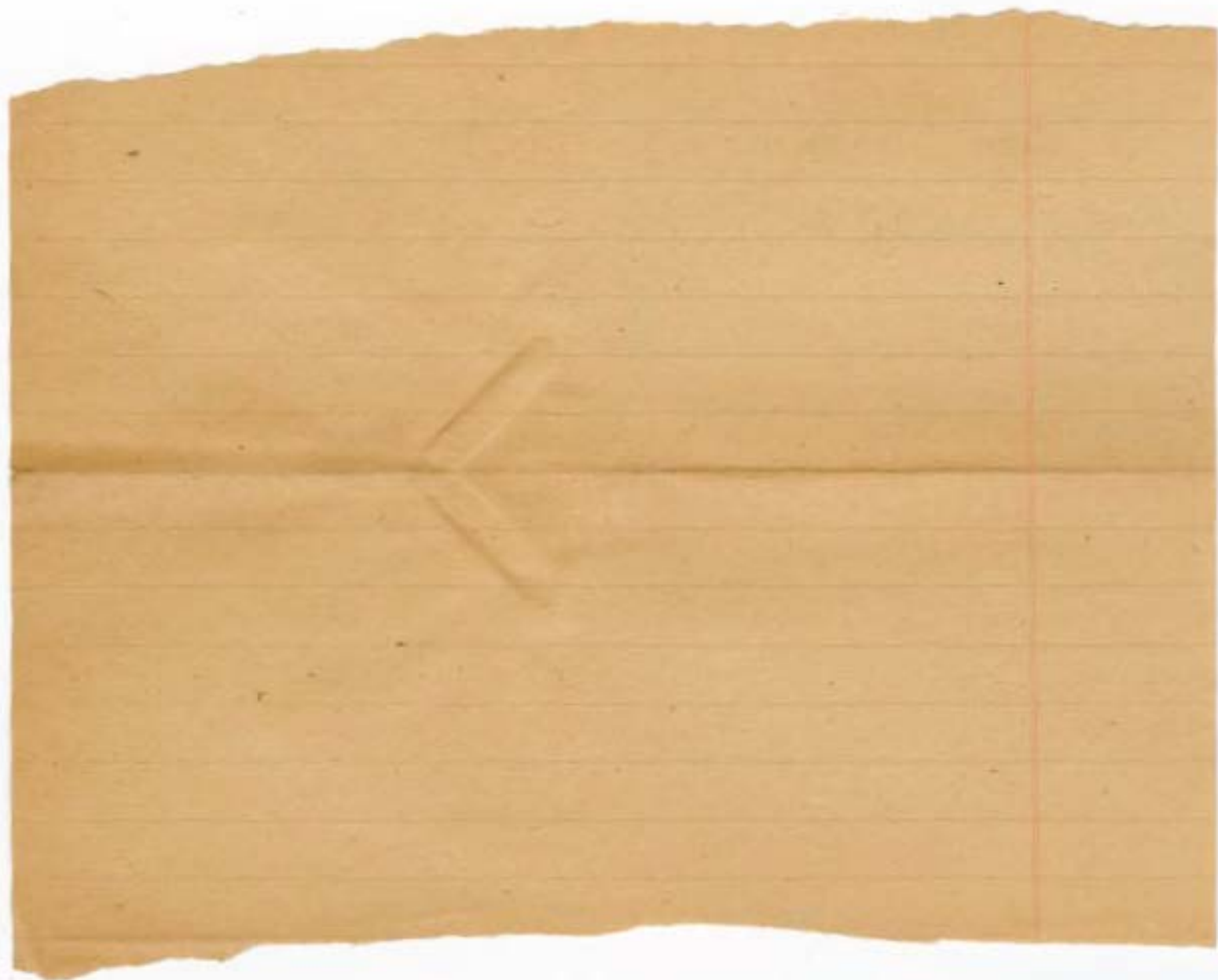


Com. v. Keiser

Bill of Exemption

We the Jury find the Prisoner Jesse Hiseu
guilty and give his punishment 5 years
in the penitentiary.

R. L. Bowers Foreman



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 Circuit Court of said county, ^{at its Jan. Term, 1917,} UPON THEIR OATHS PRESENT, that Jesse Kiser, a married man, on the _____ day of _____ 1916, in the said County, did Unlawfully and Feloniously seduce and have illicit connection with one Catherine E. Hestwole, an unmarried female person of previous chaste character,

against the peace and dignity of the Commonwealth of Virginia.

~~AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that~~

~~against the peace and dignity of the Commonwealth of Virginia.~~

This indictment is found on the testimony of Catherine E. Hestwole, H.M. Hestwole and D.A. Croshorn.
witnesses sworn in Court and sent before the Grand Jury to give evidence.

The the jury find the prisoner Jesse Kiser, guilty
as charged in the indictment, and fix his pun-
ishment at confinement in the penitentiary
for the term of five years.

R. D. Bours, Foreman

Jan. term, 1917.

COMMONWEALTH

vs. Indictment

Jesse Kiser

For Felony
For Misdemeanor

A TRUE BILL

R. D. Bours
Foreman

389, 3677

Placed in custody
Sept 2nd 1917

Harry M. Stickler
Com. Atty.