August Term 1921

CHARLES EDWARD SHIFFLETT

ADS } Upon an Indictment for a Misdemeanor.

COMMONWEALTH

H. J. Wise
W. E. Sisk
Z. F. Armentrout
H. E. Belton
J. Walton Harrison
J. Jos. Harper
Samuel Will

INSTRUCTION NO.5.

The Court instructs the jury that if they believe from the evidence that at the time the defendant paid the various invoices referred to and introduced in evidence, after deductions were made from said invoices, and that checks were sent for the amount of said invoices less said deductions, and that the plaintiff accepted and collected said checks, such acceptance and collection raises a prima facie presumption that the same were in full payment and discharge of said invoices and that said deductions were recognized and allowed by said plaintiff, and the burden of overcoming such presumption by direct or circumstantial evidence rests upon the plaintiff, and unless such presumption is overcome by a preponderance of the evidence they must find for the defendant as to said deductions.

The Court instructed the jury that the husband has a right to select the home, ~~for himself and her~~ and that if he does this in good faith the wife has no right to ~~the~~ refuse to live in the home he has provided and demand support from him in a separate establishment or at a different place from the one the husband has provided; and if she does refuse to live at the home the husband has provided and voluntarily leaves that home with the intention of not returning to it, the failure of the husband to support her at another home is such an offence for which he can be punished under the law.

Ore.
05 -

Chas Ed. Shepherd

~~H.B. Sipe~~
H.J. Were
W.E. Sipe
~~J.W. Richards~~
J.T. Armentrout
H.E. Bolton
J Walton Harrison
J.M. Hanger
Samuel Will

Circuit Court of Rockingham County, _____ Term, 191____

ORDERED, That _____ *pay unto*

_____ *a witness for* _____ *in suit at law of*

_____ *vs* _____

_____ *Dollars and* _____ *cents for* _____

days' attendance and traveling _____ *miles and* _____

Cents Toll. *Atteste:*

$ _____ _____ *Clerk*

FORM 70

We the jurors find the accused
(Chas Edward Shyllett) not guilty

H J Wise Foreman

COMMONWEALTH)
VS)
CHAS. EDW. SHIFLETT)

CIRCUIT COURT OF ROCKINGHAM COUNTY, TO-WIT:

And the said Chas. Edward Shiflett in his proper person, comes into Court here and having heard the said indictment read, says that the Court here ought not to take cognizance of the offense in the said indictment above specified: because, protesting that he is not guilty of the same, nevertheless the said Chas. Edward Shiflett says that he is not a resident of the State of Virginia and has not been for a long time, to-wit, six years, that while a resident of Maryland he married Ruby Armstrong in Hagerstown, Maryland, and thereafter went to work in Martinsburg, West Virginia, in which city and State the said Chas. Edw. Shiflett and Ruby Shiflett his wife, last cohabited, that she left him in Martinsburg, West Virginia and has never returned to him, and that if there has been any abandonment and desertion, which affiant denies, it occurred in West Virginia, and affiant has never since his marriage established a residence in Virginia. And this the said Chas. Edw. Shiflett is ready to verify.

Wherefore he prays judgment of the Court here will or ought to take cognizance of the indictment aforesaid, and that by the Court here he may be discharged and dismissed.

Chas. Edw. Lee X Shiflett
mark

Witness
Chas. A. Lucas

CHAR. FOR. MINISTER)

AT)

CONSTANTINOPLE)

SIGNATURE CHANGE TO MODIFICATION CONTRA. 20-SEP:

THE FOR. MINISTER HERE. SEPARATE MESSAGE AS AT
MARKS HIGHER. SEPARATE PAPER CONTAINS MORE THAN TWENTY WORDS
THE SAME INSTRUMENT TEMP. WHEN SAME AS COMMA PRECEDES
FOR TO SAME REQUIREMENT TO THE CITIZENS OF THE UNITED STATES
MEANS AGRICULTURAL PRODUCTS. PROVIDED THAT NO SUCH PRODUCTS
OF THE SAME. PROVISIONS THE SAME CLOSE. MEANS SHALL
ELSE SAME TIMES TO TRANSPORTATION BY WATERWAYS
AND THE SAME TO A LOCAL TIME. TO-WHO. THE SAME
A TERRITORY TO MARYLAND BY WATERWAY. THE
OF MARYLAND, MARYLAND, AND PROVISIONS THAT NO SUCH
THE SAME ATTORNEY. THAT ATTORNEY, IN WHICH THE SAME
THE SAME PROVISIONS THE CONSTITUTION. WHICH MARYLAND
THE SAME TIME. AND ATTORNEY THAT THE SAME
OF THE SAME TO THE SAME PROVISIONS OF THE SAME

V I R G I N I A,
~~ROCKINGHAM COUNTY~~ City of Williamsburg, TO-WIT:

This day Chas. Edw. Shiflett appeared in person before me, a Notary Public in and for the ~~County~~ City and State aforesaid, and made oath that the matters stated in the annexed plea are true.

Given under my hand this 19th day of August, 1921.

Ruth Clarke Moore
NOTARY PUBLIC.

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 June term, 1921, upon their oaths, do present that Charles Edward Shifflett, on the ____ day of _____, 1921, and continuously since that time, in said county, did unlawfully, without just cause, desert and wilfully neglect to provide for his wife, Ruby Shifflett, she being in destitute and necessitous circumstances, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Mrs. L. S. Armstrong, a witness sworn in court and sent before the grand jury to give evidence.

Commonwealth

v.) Indictment

Charles
Edward Shifflett

Misdemeanor
Non-support.

June term, 1921

A True Bill

G. R. Lusthaus

Foreman

D. W. Harman
Commonwealth's Attorney

We the jury find the
Shifflett not guilty.

Ref.

The Court instructs the jury that if they believe from the evidence that the accused is a non resident of Virginia and if the wife of the accused left him in Weatherford W. Va. for the purpose of going to her parents home in Virginia and if they further believe from the evidence that ~~the wife~~ it was understood between the husband and wife at the time she left Weatherford that he would send her funds to return and that he has failed to do so, or to make any provision for her support while she was in Virginia, then ~~if the jury believe~~ the jury cannot convict him for if any offence was committed under these circumstances it was an offense against the laws of West Virginia and not Virginia

Cm
v
Chas. Edw. Chuffett

Instruction for
Defendant Def