august Tenn 1921

CHARLES EDWARD SHIFFLETT

ADS

Upon an Indictment for a Misdemeanor.

COMMONWEALTH

INSTRUCTION NO.5.

The Court instructs the jury that if they believe from the evidence that at the tire the defendent paid the various invoices referred to and introduced in evidence, after deductions were nede from seid invoices, and that absolue were sent for the emount of seid invoices less seid deductions, and that the plaintiff noncepted and collected seid checks, such equapteres and delication raises a prime facte presumption that the name were in full payment and discharge of said invoices and that said deductions were recognized and allowed by said plaintiff, and the burden of overdoming such presumption by direct or circumstantial evidence rests upon the plaintiff, and unless such presumption is overdome by a preponderance of the avidence they must find for the defendant as to said deductions.

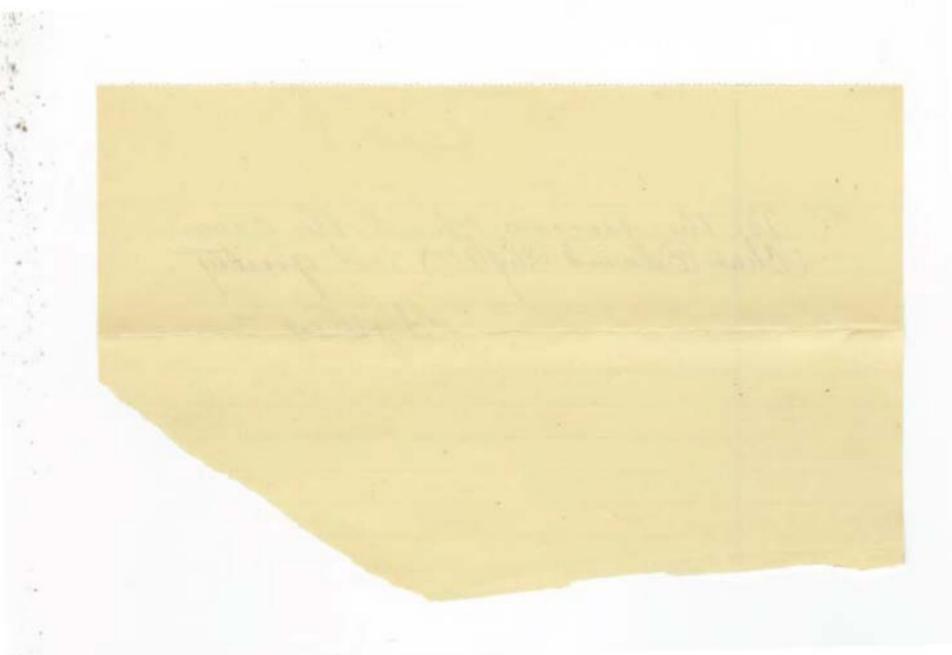
The Court mobile the ping that the huxland has a right to select the home, for homing and has and that if he die this hi good faith the wife has me injusto De represe to live in The home he has hrunded and deenand support from him in a separate establishment or at a different block from his one his husband has bronded ; and ig ske dues refuse to live out the home the musland that home with the intention of and returning To it, the failure of the husband to an offerce for which he can be ministed Under The Cour-

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days' attendance and traveling Cents Toth. Circuit Court of Rockingham County. ORDERED, That Dollars and in witness for Atteste: cents for milesand Term, 191 in suit of love of pay unto Clerk

Posts 70

(Char Edwind Shiflett) not quilty A Jevine Forme



COMMONWEALTH

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-mit, six years, that while a resident of Maryland he married Ruby Aunthony in Hagerstown, Maryland, and thereafter went to work in Martineburg, West Virginia, in which city and State the said Chas. Edw. Shiflett and Ruby Shifuen his wife, last cohabited, that she left him in Martinsburg, West Virginia and has never retarmed to him, and that if there has been any abandonment and desertion, which afficit 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 aforessid, and that by the Court here he may be discharged and dismissed.

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VIRGINIA. COLLANDONAL TO-WIT:

This day Chas, Edw. Shiflett appeared in person before me, a Notary Public in and for the County 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 Morrel

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Ruth Charles Mound

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COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

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

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COMMONWALLEN OF VIRGINIA,

COUNTY OF HODESPORAM, TO WITH

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The Jurors of the Componentity of Virginia,

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