Mappening Athe Court that addrinal Juins will be seguired for the trial to Itu case of the Commissionalth against good of the chamitant telong, it to ordered that hventy from additional primes from a list of twenty seven, to be drawn by the blest of My tout as no land directs, be summined to attend the Court on Montany The 10's way of the current month. for the trail of that case and such others as They may he



TO THE SHERIFF OF ROCKINGHAM COUNTY, VIRGINIA.

	ocking ham, residing remote from the place where
the offense is charged to have been committed, and in	
vished you, from which you shall take the 15 Ve	
the trial of Jos. P. Rhodes	, charged with felony, set
for the 11th day of	Nov. , 19 24, of the Circuit
Court of Rockingham County.	Guy W. Long Phoned c.
H. H. Grow Phoned A.	O.L. Gurtner President.
O.K. Earley A. Plone	W.H. Burtner 0. 834/2
J.S. Good A. Phones	I.S. Ewing Phoned H.
F.E. Wine A. Phoud	C.F. Saufley Phoned. S.
E.M. Monnick . Phoned . P.	Jan W. Funkhouser S. flowed,
W. S. Armen trout Phoned L. 85-711 -	John M. Good 2x 8.
H.R. Eiler Weld C.	
W. T. Hinton Pfrond C 5874	

Executed nov. 1884 by delivering a true Copy of the

Calda in person.

within Summons to

b. w. Sone

1

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKING HAM COUNTY - GREETING:

You are hereby commanded to summon P1fteen persons of the county of Rockingham, to be taken from a list furnished by the Judge of the Circuit Court of Rockingham County residing remote from the place where the offense is charged to have been committed, and qualified in all other respects, to serve as Jurors, to attend and appear before the Circuit Court of Rockingham County, at the County Court House, on the 11th day of NOV. 1924, to serve as Jurors upon the trial of Joseph P. Rhodes charged with felony.

And this they shall in no wise omit, under the penalty of £100. And have then and there the names of said persons and this writ.

Witness, J.F.Blackburn , Clerk of our said Court, at the Court House, the 10th day of Nov. , 19 24 and in the 1.49 thyear of the Commonwealth.

J.J. Beachtum ark

The case of the Commenceath against Jus. P. Whotes, direketed for hand on Insviray June 17 -, being a capital case in which a number of the person from will have to be excuse of non dening, it is extend that thirty persons be durnonned for said case from a list of thirty Just total From and frommed as the law defects - Fire unser any hour I have I'm's I'm's of June 1924. J. 91- Hoos. Jurys of the areach Is I A. Blackburn, Count of Rockingson Co. Wesh of the Grand Court of Rock -

mmngmqmqmqmqmwwweyetryuloop;lkjhgf 00 P. LINE M. LEW. PERSONAL PROPERTY PROPERTY PROPERTY PROPERTY. Chine Charles and May 2 manajdhiginaruei eow cwovyff Builde 6 m h Contraction harded to cast to be to be 11 th minh#11 11 11 11 11 11/1/1 1/1/1/ 0.8 CHIMIN / 999

· Sentanion

IMSTRUCTION NO. 1

The Court instructs the jury that if they believe from the evidence that Eartha Phillips died on September 29, 1925, as a result of having been raped by Joseph B. Bhodes, near 2. F. armentrout's mail box on September 21, 1925, then they will find him guilty of murder in the first degree.

INSTRUCTION NO. 2.

carnal knowledge of a female by force and against her will, and the Court further tells the jury that force must be such as may reasonably be supposed adequate to overcome the physical resistance of the woman upon whom the rape is charged to have been committed, taking into consideration the relative strength of the parties and other circumstances of the case. The Court further instructs the jury that where there is no recistance by the female by reason of her being incapable of resistance, the more force of penetration is sufficient, when against her will, to constitute rape.

See Clarks Crim. Law. p. 217.

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INSTRUCTION NO. 3

The Court instructs the jury that involuntary can laughter is when one in the performance of an unlawful act causes the death of another by accident, and it is involuntary manulaughter even though the person killed participates in the unlawful act.

INSTRUCTION NO. 4

The Court instructs the jury that dying declarations are legal and competent evidence and entitled to such weight or credit as the jury sees fit to give them.

O'Byle's oase 100 Va. 795.

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O'myke's unse 200 vas 795.

INSTRUCTION: A.

The Court instructs the jury that the law presumes the accused to be immodent until he is proved guilty beyond reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the secured, the law makes it their duty to acquit him, and that more suspicion probability of his guilt however strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of evidence supports the charge in the indictment, but to warrant his conviction, his guilt must be proved so clearly, and the evidence thereof, so strong, as to exclude every reasonable hypothesis of his innecends and this instruction applies both to the charge that the accused had sexual intercourse with Martha Phillips on the Slat day of September, 1923, and that the same was the inducing cause of the peritonitie from which she died, or a cause accelerating her death from poritonitie.

cannot convict him of murder unless they further believe beyond every resemble doubt that such sexual intercourse was by force and against the will of the said Eartha Phillips.

AA SHIERWARDER AA

The form't has anomaed to be insured by the the proved guilty beyond the anomaes to be insured with he is proved guilty beyond the seasonable beyond and at there is upon the seasona, the large out of the seasonal state of the guilt news of the seasonal state of the seasonal state of the seasonal the seasonal the seasonal seasonal to seasonal seasonal to seasonal the seasonal seasonal tendent seasonal seasonal

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sufficient to a convistion of the accused of any offense under the indictment that they may believe from the evidence that the accused had sexual intercourse with Martha Phillips on the Elst day of September, 1923, even though such intercourse may have been by force and against her will, unless they further believe beyond all reasonable doubt from the evidence that such act of intercourse produced or aggravated peritonitis in the said Martha Phillips and thereby caused or accelerated her death.

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INSTRUCTION C.

The court instructs the jury that though they believe from the evidence beyond all reasonable doubt that the death of Martha Phillips resulted from sexual intercourse with her by the accused, yet unless they further believe from the evidence that such intercourse was by force and against her will they cannot find him guilty of murder.

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the court tastement the Joy that though they

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may believe from the evidence that the accused, on september 21st, 1925, had sexual intercourse with martha shillips, control by force and against her will, or by and with her consent, and that she at that time already had septicomia or peritonitis, and that it is possible or probable that such intercourse caused an increase of the infection which resulted in her death, yet, if they believe from the evidence that it is also probable that such death resulted from such infection independently of such intercourse, they must find the accused not guilty.

The problem of the existence which has nowed, on replacing the problem of the pro

In the Name of the Commonwealth of Virginia Shensndosh

To the Sheriff of Rockingkain County, Greeting:

You are hereby commanded to summon.

Dr. R. McCord Huffman

new mannet Va.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at 10 o'clock, a. m., on the 17th day of June 19.24
to testify and the truth to say in behalf of the Commonwealth against

Joseph P.Rhodes

who stands charged with and indicted for a felony windsmeasure

And this he shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the lith day of June , 1924 , and in the L4. 8 th year of the Commonwealth.

J. F. Blacklurgelook.

Com In the Name of the Commonwealth of Victory gos of of hades Mr. H. McCord Harrison de legistati deperdi 1012 to allege of the last ten lines and all the last the same of the state of the state of the same of the same of the June 171924

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

D' R. mc6. Hoffman

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a.m., on the 2/ day of If 1924, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

Joseph P. Phodes

who stands charged with and indicted for a felony misdemeanor.

And this P shall not omit under the penalty of £100. And have then and there this Writ.

Witness. J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 17 day of Spil , 1924, and in the 14 Lith year of the Commonwealth.

St. Black un , Clerk.

Grand Juny 24 R m 16. Wef from Opr. 21, 1924

In the Name of the Commonwea	Ith of V	irginia:	nundeal Count	y, Greeting:
Fou are hereby commanded to summon		3		
m. H. Tus	ing			
to appear before the Judge of the Circuit House thereof, at 10 o'clock, a. m., on the	17th	day of	June	the Court
to testify and the truth to say in behalf of Joseph I. Bhoden	the Comm	ionsrealth ago	rinst	
who stands charged with and indicted for		mintemean he penalty of .		have then

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the

, 1924 , and in the 14 B th year of the Commonwealth.

News-Rooml, Harrisosburg, Va.

m. H. Tusing

In the Name of the Commonwealth of Virginia: ninendoah -

You are hereby commanded to summon

m. H. Turing

new market.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the 1 7 day of June to testify and the truth to say in behalf of the Commonwealth Against

Joseph P. 9 hodes windered with and indicted for a followy mindementor.

And this the shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the Lune, 1024 and in the 148 th year of the Commonwealth.

J. F. Blackburn. Clerk.

Jos. P. Rhodes.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

Fou are hereby co	mmanded to summ	0.00		
J. E. P.	ullips &	F. Laws	nany my	NT
Jacob of	Shultz	V Draz	U. Graves	· V
Dr. 9 7	. Weiffe	mary o	- 7 Q	1 1
Gra L. a	mertho	ul ofur	J. L. Bar	L.V.
wim. S.	ellers of	Circui	Shultz	greet
		1	- July	

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a.m., on the 18 day of Feb. 1924 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

Loe P. Ahodes who stands charged with and indicated for a Jelony mindementor.

And this three shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 12 day of Feel. . 1924 and in the 14 8th year of the Commonwealth.

Com. for P. Rhodes. Feb. 18 1924 Frand Juny

COMMONWEALTH

v.

JOSEPH P. RHODES

Charge to the Jury.

If the jury find the accused, Joseph P. Rhodes, not guilty, you will say so and no more.

If you find him guilty of murder in the first degree, as charged in the indictment, you will say so and ascertain his punishment with death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

degree, but guilty of murder in the second degree, then you will say so and ascertain his punishment by confinement in the penitentiary not less than 5 nor more than 20 years.

It you do not find him guilty of either of the felonies aforessid, but guilty of voluntary manslaughter.

then you will say so and ascertain his punishment by confinement in the penitentiary not less than 1 nor more than 5 years.

aforecast, but guilty of involuntary manslaughter, then you will say so and ascertain his punishment by confinement in the penitentiary not less than 1 nor more than 5 years; or, in your discretion, by a fine not exceeding \$1,000, or by confinement in jail not exceeding 1 year, or both such fine and imprisonment.

Commonwealth Joseph P. Rhodes Charge to the Jury.

INSTRUCTION NO. 1

The Court instructs the jury that if they believe from the evidence that Martha Phillips died on September 29, 1923, as a result of having been raped by Joseph P. Rhodes, near 3. F. Armentrout's mail box on September 21, 1923, then they will find him guilty of murder in the first degree.

INSTRUCTION NO. 2.

The Court instructs the jury that rape is the carnal knowledge of a female by force and against her will, and the Court further tells the jury that force must be such as may reasonably be supposed adequate to overcome the physical resistance of the woman upon whom the rape is charged to have been committed, taking into consideration the relative strength of the parties and other circumstances of the case. The Court further instructs the jury that where there is no resistance by the female by reason of her being incapable of resistance, the mere force of penetration is sufficient, when against her will, to constitute rape.

See Clarks Crim. Law. p. 217.

E -OR HOTTODRIVET

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INSTRUCTION NO. 3

The Court instructs the jury that involuntary manulaughter is when one in the performance of an unlawful act causes the death of another by accident, and it is involuntary manulaughter even though the person killed participates in the unlawful act.

INSTRUCTION NO. 4

The Court instructs the jury that dying declarations are legal and competent evidence and entitled to such weight or credit as the jury sees fit to give them.

O'Byle's case 100 Va. 795.

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point tail true and secretari true and excitanting deliting and excitanting deliting and excitanting or order or true to the tone or order or true tone or

O'Syle's case 100 yes, 195;

INSTRUCTION: A.

The Court instructs the jury that the law presumes the accused to be innocent until he is proved guilty beyond reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him, and that mere suspicion probability of his guilt however strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of evidence supports the charge in the indictment, but to warrant his conviction, his guilt must be proved so clearly, and the evidence thereof so strong, as to exclude every reasonable hypothesis of his innocence And this instruction applies both to the charge that the accused had sexual intercourse with Martha Phillips on the 21st day of September, 1925, and that the same was the inducing cause of the peritonitis from which she died, or a cause accelerating her death from peritonitis.

But even though they may so believe, they cannot convict him of murder unless they further believe beyond every reasonable doubt that such sexual intercourse was by force and against the will of the said Martha Phillips.

A : HOLES | A.

presumes the counsed to be innount until he is proved culling presumes the counsed to be innount until he is proved culling to the entered that the same and the same and the innounce it wheir duty to negate him, and their mere sumplained in makes it wheir duty to negate him, and their mere sumplained the makes it wheir duty of his quality of his militaient to escript, nor is in the entitle of the counter wright at preparations of syldenes are counter wright at proved no clearly, and the evidence that continue to the proved no clearly, and the evidence in the continue of the interest of the counter that and occasion of the interest of the counter that the counter that the counter that the necessed of the presidents are the more of the council determine the time that the necessed of the presidential from which she died, or a coupe coordinate.

That average the of sarder that they has contained believe common source to all streets believe common source and source that the same source to the same of the s

The Court instructs the jury that it is not sufficient to a conviction of the accused of any offense under the indictment that they may believe from the evidence that the accused had sexual intercourse with Martha Phillips on the 21st day of September, 1923, even though such intercourse may have been by force and against her will, unless they further believe beyond all reasonable doubt from the evidence that such act of intercourse produced or aggravated peritonitis in the said Martha Phillips and thereby caused or accelerated her death.

The contribution of the secured of any others under the individual to a contribute under the secured of any others under the contribution that the contribution that the contribution that the contribution is the contribution of the contribution of

INSTRUCTION C.

A CONTRACTOR OF THE PARTY OF TH

The Court instructs the jury that though they believe from the evidence beyond all reasonable doubt that the death of Martha Phillips resulted from sexual intercourse with her by the accused, yet unless they further believe from the evidence that such intercourse was by force and against her will they cannot find him guilty of murder.

THE POLICE OF

The dough that the the stimutes the tary that though they not now overlook to the contract the stimutes exceeded the state of the contract the state of the contract the state of the contract the state and the state of the state and the state of the sta

may believe from the evidence that the accused, on September 21st, 1923, had sexual intercourse with Martha Phillips, while weither by force and against her will, or by and with her consent, and that she at that time already had septicemia or peritonitis, and that it is possible or probable that such intercourse caused an increase of the infection which resulted in her death, yet, if they believe from the evidence that it is also probable that such death resulted from such infection independently of such intercourse, they must find the accused not guilty.

car believe from the evidence that the accused, on September 21st, 1923, had sexual intercourse with parths chillips, wholes by force and against her will, or by and sith hur cannect, and that the at that the always and septiment at gentlement, and that the promision of probable that are consistent at another that it is promised at probable that and intercourse caused as increase of the inference which received in the set death, you, if they believe from the aridence that it is also probable that the condition from the first that and another than the condition that the condition of the sending that the condition of the condition of the sending that the condition of the conditio

INSTRUCTION No. 9

The court instructs the jury that the evidence touching the relations of the accused and Martha Phillips before the 21st day of September, 1925, can be considered by them only in so far as they may believe it to throw light upon the question whether or not the accused on that day had sexual intercourse with her, and whether, if so, the same was,or was not, by force and against her will; and they cannot upon the basis of such evidence convict him of any offense not charged in the indictment.

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INSTRUCTION No. 4

The court instructs the jury that if they have a reasonable doubt as to the grade of the offense of which the accused may be guilty, if they believe from the evidence beyond a reasonable doubt that he is guilty at all, they should resolve that doubt in his favor and find him guilty of the lower grade; to illustrate, if they have a reasonable doubt as to whether he is guilty of murder in the first degree or manslaughter, they should find him guilty of manslaughter, and if they have a reasonable doubt as to whether he is guilty at all, they must resolve that doubt in favor of the accused and acquit him.

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We The Jury find The accused In P. Phodes, quilty as charged in The indictment at involuntary man of mighter, and fix his pe of 5 years in The Percetentiary



In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon
C. W. allebaugh, & a. Brock & E. link
C.E. aurentrant, Robert Higgs, Layton Bernets
mas Layton Bennett, b. T. Reid Clinton
armenthout, Jacob R. Shulte, Vergie & hults
mur Ernert Shipp Wade armentrant
Hinton amentracit I & Cole
to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at 10 o'clock, a. m., on the 10 day of 77 of 1924
to testify and the truth to say in behalf of the Defendant in the prosecution of the Common- wealth. Plaintiff, against
Joseph P. Of hades Defendant
And this they shall not omit under the penalty of £100. And have then
and there this Writ.
Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the
If day of 1901, 1924 and in the 149 th year of the Commonwealth.
J. F. Blackbrum, Olork.
New-Record, Harriamburg, Va.

Jos. P. Rhades

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Commonwealth E. D. set Sheriffee 7.50 NON nov. 10, 1934

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are kereby commanded to summon

19. A.W. Graves o Rev. S.L. Baugher

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a.m., on the 26 day of Isty 1921, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury Julifoh P. Nordla

who stands charged with and indicted for a felony misdemeanor.

And this writ. shall not omit under the penalty of £100. And have then

Witness, J. J. BLACKBURN, Clerk of our said Court, at the Court House, the 23 day of the Commonwealth.

1924, and in the 148, th year of the Commonwealth.

F. Blacklein , Clerk.

News Record, Harrisonburg, Vo.

Com. S. S. Joseph R. Rhodes Quand Jury Sheriffee .80 Executed

In the Name of the Commonwealth of Virginia: To the Sheriff of Rockingham County, Greeting
You are hereby commanded to summon
Jas. airen! Impro. J. R. Campbell
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a.m., on the 11 day of 7 ft 19 2 to testify and the truth to say in behalf of the Commonwealth against
Joseph P. Ahades who stands charged with and indicted for a felony mindemensor.

And this They shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the lay of My of 19 of 1924 and in the 14 9 th year of the Commonwealth.

News-Record, Harrisonburg, Va.

Jos. P. Phades Shiffee 1.00 nov.11.1924

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

J.E. Phillips.G.F. Huffman, L. J. Jacob R. Shultz.A.W. Graves, 2.f. Armentrout.Osa L. Armentrout.S.L. Baugher, Wm. Sellers, Virgie Shultz, John Cromer, Maude Rhodes, Compton Roontz, Robert Carrier, Henry Carrier

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at 10 o'clock, a.m., on the 17th day of June 19 24
to testify and the truth to say in behalf of the Commonwealth against

Joseph P.Rhodes

who stands charged with and indicted for a felony misdemeanor.

And this. he shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 11thtay of June , 1924, and in the L4 8 th year of the Commonwealth.

J. F. Black Church, Clerk.

Com Jos. P. Phodes Sheriff fee 7.00

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon	
J.E. Phillips, I.T. Laymon Joovak Shully. L. A.W. 16 g. d. armentrant ova L'armentrant Rev. b.L. Bougher led m Sielera and Vergee Shully	races
Q. J. armentrant Ova L'armentrant Per. b.L.	
Bougher led m bellers and Verge Sheets	
	- 4
a appear before the Judge of the Circuit Court of Rockingham County, at the Cour	
House thereof, at 10 o'clock, a.m., on the 21 day of Free 1925	of .
to testify and the truth to say in behalf of the Commonwealth before the Grand Jur	y
Joseph P. Rhades	
who stands charged with and indicted for a felony misdemeanor.	
And this Lauf shall not omit under the penalty of £100. And have the	n
and there this Writ.	
Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, th	ie
17 day of Ofice , 1924, and in the 148 th year of the Commonwealth	
17. Beach were clore	
The state of the s	
Nove-Record, Harrisonburg, Vo.	

Joseph P Phodes - RECO Sheriff fee 4.50 Opie 21,1924

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting: For are hereby commanded to summon of me long ruffman, Bucke armentrout querell Carrier, J. E. Phillips H. F. Layman, Jacob R. Shultz, Dr. a. W. Graves 3. 7. armentrant, ora L. ammentrant, Wong Sellers, Virgie I hultz, John Cromer, Compton Youth mande Abodes Adurt Carrier, mar. Robert Carrier Therry Carrier to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the , o day of 70% 192 4 to testify and the truth to say in behalf of the Commonwealth against Jos. P. Oghodes who stands charged with and indicted for a felony mistioneanar. And this. 1244 shall not omit under the penalty of £100. And have then and there this Writ! Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the day of 7 1 1924, and in the 14 9 th year of the Commonwealth. J. F. Blackburn, Clerk. News-Record, Harrisonburg, Va.

Com. 12hu Marge of the Commonwealth of Virginia Jos. P. Rhodes Shirty fle 8.50 nov. 10, 1924

brillioner



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Ref.

INSTRUCTION No.

The court instructs the jury that though knakakakak the evidence in this case is consistent with the defendant's guilt, yet before they can convict the accused of any offense under the indictment they must also be satisfied that the facts are such as to be inconsistent with any other rational conclusion than that the accused is guilty.



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complete and sense instructed that that the description and the extreme and the court of the court of the sense of the sen

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INSTRUCTION No.____.

The jury are instructed that the defendant's plea of not guilty raises a presumption of innocence in his favor and puts upon the Commonwealth the burden of proving his guilt beyond all reasonable doubt. Nothing is to be presumed or taken by implication against him; no mere preponderance of evidence will suffice, nor is it enough that by conjecture or speculation he may be supposed to be guilty, but the jury must be satisfied that he is guilty beyond all reasonable doubt.

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Res.

INSTRUCTION No. ____.

The court instructs the jury that the testimony of experts is admissible and is to be weighed by the jury in the same manner as the testimony of other witnesses, and that the jury have a right to consider the personel standing and experience of such witnesses in arriving at their verdict.

The names to present the first that the first to the name and as an although as the first to the name and as all the first to the name and as an although as are subjects.

Ry.

INSTRUCTION No. ____.

The court instructs the jury that in view of the fact that the statement made by Martha Phillips, as testified to by witnesses for the Commonwealth, shortly prior to her death, was made under circumstances precluding the cross-examination of the said Martha Phillips and without the sanction of eath and in the absence of the accused, the same is to be considered by them with great caution.



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Ry.

INSTRUCTION No.____.

The court instructs the jury that even though they may believe from the evidence beyond all reasonable doubt that Martha Phillips, in a dying declaration, stated that on September 21st, 1923, the accused at the mail-box, assaulted her and then and there had intercourse with her, she being too weak to resist him, and even though they may further believe beyond every reasonable doubt that such statement was true, the same is not sufficient as a basis of conviction of the accused of murder.

AN HOLDSHINGS

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Rep.

INSTRUCTION No.____.

The court instructs the jury that the absence of any evidence showing that Martha Phillips made any complaint shortly after the occurrence of the alleged act of sexual intercourse by the accused with her, on the 21st day of September, 1923, that he had had such intercourse with her by force and against her will, is ground for a presumption that such intercourse occurred, by and with her consent.



The constraint of the alleged art sexual light and according to the evidence of the according with the constraint and are sexual light and are sexual and the according with the constraint and the according with the light and the according with the light and the according to the light and the according to the light and the according to the accor

Rub!

The court instructs the jury that even though they may believe from the evidence beyond all reasonable doubt that the accused on the 21st day of September, 1923, had sexual intercourse with Martha Phillips by force and against her will and that her death resulted from peritonitis, induced or aggravated by such sexual intercourse, they cannot find the accused guilty of murder, but if they believe beyond all reasonable doubt from the evidence that her death so resulted from such intercourse they may find him guilty of involuntary manslaughter.

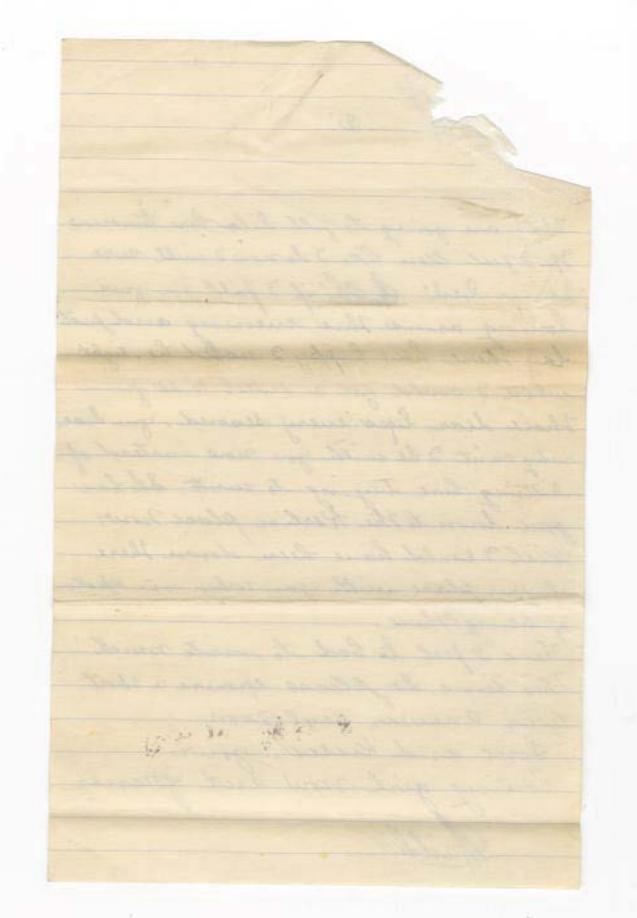


The court instructs in jury that dends that the marked on the star are the series on the star are series on the star day of dense of dense of the series of the start day of dense of dense, less, less easy tenders of the series of the series

Judsday evening Photos Harrisonburg, Da. My Dearest One Just a few lines this lonely evening to let you hear from me I was feeling & very good untill this ene I don't jeel very good think it's something I eat for my dinner. I have to be so careful about my lating if I just had you to love me I would zeel give . Oh! why can't it be true. rue could be happy together all the time why don't you think That way dearie. What have you been doing sence I have you! How many momen have you had none I hope but I Genow beller. Where did you go bunday night. I got your letter waterday was awful glood to get a nice letter from my dear once again. I am always so glad to get sweet lowing letters from you

idk 2 March St.

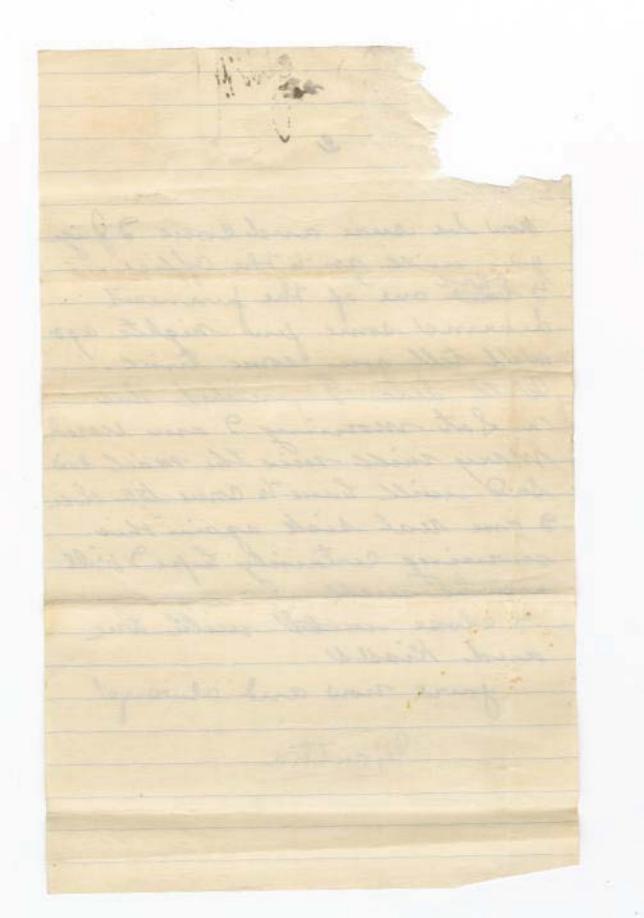
:2: They are going to fell Silo here tomorrow If I feel then like I do now I will sure be in bed: of Ch! if I fall in your lowing arms this evening and just lay there how happy I would be kight where I could get a sweet risk from Those dear lips every second, you dear why can't I be with you now instead of Sitting here trying to write. She has gone down to the Kerlin place now, Wish I could have been down there at your place with you when you spoke of being there. Lane I feel to bad to much much this time to please excure a short letter answer real Soon Jone and Kisses, your lowing girl now and forener Martha



Larrisonburg la 14 My Dearest one gust a jew lines this evening to let you hear from me I am in hopes you will go to the Post office towarrow and get it. Jae dear I am in such a shape I don't know what to do. I am Rick as san be and am getting the Same buatment I got begor when I was here he is setting here now guing me going I am so nerrious and weak can hardly stand it. day dear if you get this in time he sure and come up Sunday I hey are all going to Int Sallon enjepajet paja

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how be sure and come I Juge you will go to the office. I had one of the funnisit dearmal some few nights ago Will tell you some time. Well dear I unished this on Sat morning I am scared Mary will mis The mail row So I will have to come to a close I am real sisk again this morning certainly hope I will soon he well. I close with with true and Kissle yours now and always Martha

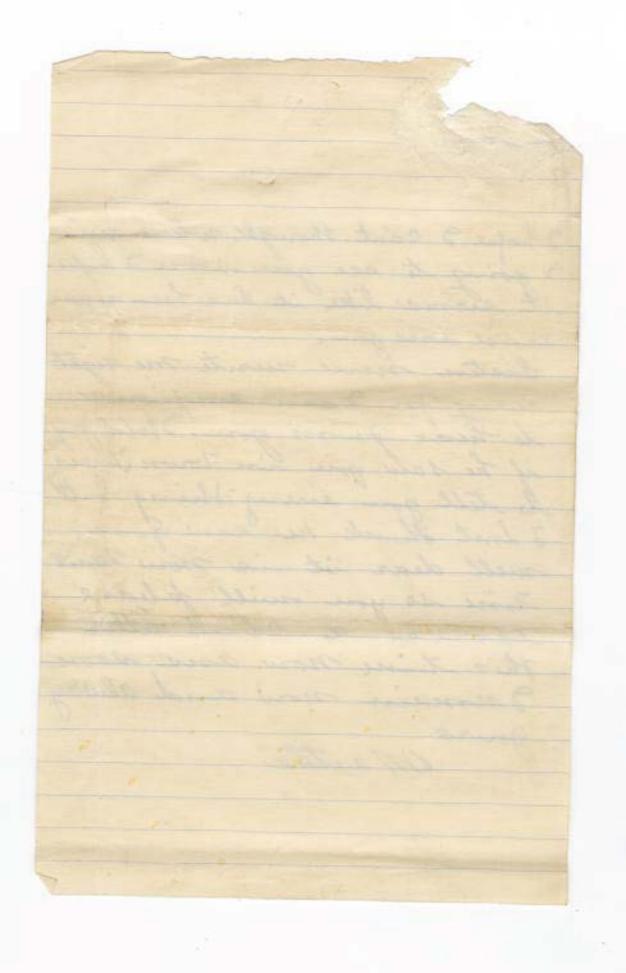


Alister Ex 1. Hr Joseph Rhodes Harnsonbury Va 4.7.27



Thooles (1.) Haversonling, Va. My Dear Jac Will try and drop you a few lines this morning guess you have been thinking that forgot you. Please excuse my long delay dear I have been in hed ever sence Monday sick to is what I mean . papa went to town Due god me some mid I am getting some better now Hope you are not thinking hard of me for not writing dear for it sure wasn't wasn't because a didn't want to you know. What hour you been doing sence I saw you any way of het & can guess, cont It

I hope I can't though, when am I going to see you soon I hope it seems like it has been a year sence saw you. Sisten now write me right away for I am antions to hear Jum you, Itold pay if he saw you in bown Tuesda to tell you every thing but I don't think he saw you well dear it is now mail Time so you will please excuse a short letter This time now and soon Fremuin now and always yours Martha



Mr Joseph Rhodes
Harrisonburg Ex2



To Whom These Presents May Concern;

Miss, Martha. Henrietta. Phillips, Daughter of mr. J.E. Phillips, Harrisonburg, Route 7, Va.

Dying Decleration Giving freely by Marthe, as following. And witnessed by Rev.S.L. Baugher, United Brethren Paster Lacey Spring, Va, Mr. 2. F. Armentrout brother -in-law, Mrs. Gow. Leatha. Armentrout sister, Mr.J.E. Phillips father, and Dr.A.W. Graves, her physician this I want Jee. P. Rhodes, Harrisonburg, R. 7, Va purnished, and \$17.00 was paid by Joe. Rhodes to Mrs. Laura. Bennett, wife of Layton Bannett, who's address is #314 Tulip Ave, Tacoma Park, Md. who did the criminal operation with "This Instrument was Produced and acknowledged by Martha as "Instrument" was inserted in my work at SAM on Thursday 5th Sept-1923 and I removed said "INSTRUMENT" at 12Noon on 6Sept-1923, left for home on Friday 7-Sept-1923 arrived in Harrisonbur g went to Campbell Hotel and had a "Child and After Birth" a little boy no Doctor or any wne else was present when I give birth on Sat 8-Sept-1923; got up out of bed wraped child and after birth in paper put it into my grip and with Joe.P.Rhodes got into his car and threw it out in the woods near Linville, Va, came then to my sister's home and staid there all the time without revealing any thing to my people /but I begin to get so sick on 21-Sept-1927 when I went to my brother -in Law's mail box and was assaulted then and there by Joe. P. Rhodes who had intercouses with me too weak to resist him and I fainted and Joe. after I come too put me into his car and Dumpt me out at Mr. Jacob. Shultz's Home/without getting or giving any notice to my people where I was so Dr. Graves came to see me at Mr. Shultz and took me home on "Stretcher"with my mister, broter-n-law , and father to Mr. Z.F. Armentrout's Home, Wrs. Laura. Bennett was given this "instrument" by Gertrude. Me williams Washington. D. C. being produced and given to Laura, to do criminal operation with, and I removed with this string which is attached to said "inttrument" it from my woll at 12noon on 6-Sept-1923. Martha.do you want these parties punished yes Joe.P. Rhodes came to Harrisonburg with me on train.

Witness by the fowlowing parties by name as above here in stated, on morning of 29-3881-1923 atabeut 3AM.

Rev. S. L. Baugher Fastor J. G. Phillips Dr. and France

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COMMONWRATER 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 said County and now attending said Court at its April term, 1924, upon their oaths do present that Joseph P. Rhodes on the Elst day of September, 1923, in the County aforesaid, in and upon one Martha Phillips, an unmarried female, feloniously did make an assault, and that the said Joseph P. Rhodes then and there when the said Eartha Phillips was weak and sick from theretofore having given premature birth to a child, and able to offer but little if any resistance, did unlawfully and feloniously by force and against her will have sexual intercourse with her, the said Hartha Phillips, then and there by such unlawful act mortally injuring and wounding the said Martha Phillips in this that by the insertion by said Rhodes of his cale organ into the vegina of said Hartha Phillips and by the pressure of the body of saidshodes upon the pelvis and abdomen of said fartha Phillips, in said act of intercourse, he caused the generative organs of said Martha Phillips to be bruised and injured and septic peritonitis to set up and arise within said Martha Phillips, of which mortal wound and injury she, the said Martha Phillips, from the said Elst day of Eaptember, in the year aforesaid, to the 29th day of September, in the year aforesaid, in the County aforesaid, did languish, and languishing did live, and on the said 29th day of September, 1923, In the County aforesaid, of the said mortal wound and injury died; and so the jurors aforesaid upon their ouths aforesaid do say that the said Joseph F. Rhodes of his malice aforethought, the said Martha Phillips in manner and form aforesaid, feloniously did kill and murder, against the peace and dignity of the Commonwealth of Virginia.

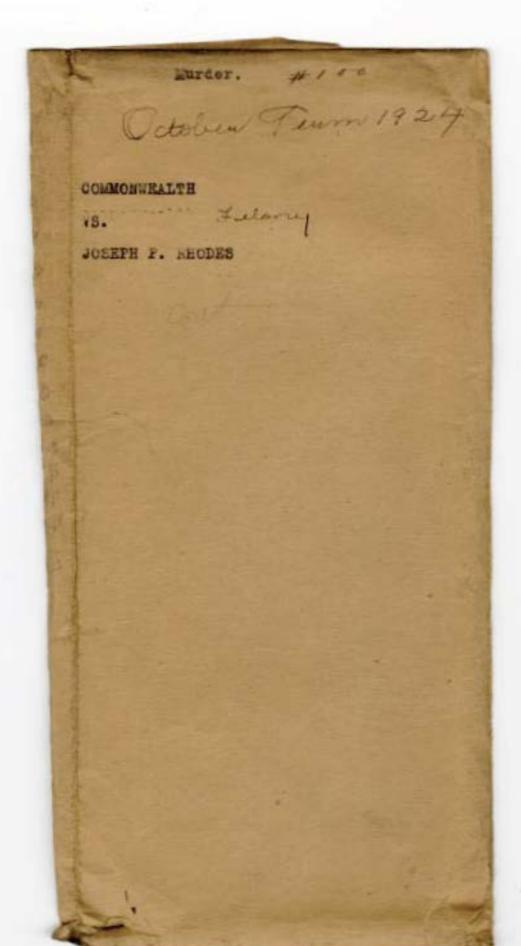
This indist ment is found on the testimony of J. E.

Phillips, G. F. Layman, Jacob H. Shultz, Br. H. McGord Huffman, Dr.

A. W. Graves, E. F. Armentrout, Osa L. Armentrout, Rev. S. L. Baugner;

William Sellers, and Vergie Shultz, witnessws sworn in court and sent
before the grand jury to give evidence.

We the juny find the councid, Joseph I I thrower, quelty of buralinelary manstonighter, as changed in the indulment and big her primiste ment fine years in the paluition wany W. L. Marya Aboption a state of the state o Properties and the transfer of the second to the second to the second to the second se Party the Local author to report the Lange I. Boxen on the Pitter as many that the college of the coll no case all glassimist, simul services or , we will The state of the state of the state of the state of a life in the training mayor are too took and the state of the life is not the state of the life is to of great little at any remarks, day B ... 6 1 16 17 1 Danger own Librarie Jackson has alter 2) DES tone of which the same, agrilled the for AND THE REST OF THE PARTY OF TH by it makes of the calle organical and the the same of the to plant and to a major and to him filling THE STREET, ST. PARTITION AND ADDRESS OF LABOUR PROPERTY IN THE PERSON for the strike to yegittist, without stay attrive action his in the or the total and the court of the first particle and the first of the court of the The state of the s AND THE PERSON OF THE PROPERTY OF THE PERSONNEL SEASON william fallers, and veryle finite, without a work in a contract was



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