Arrest Warrant

### The Commonwealth of Virginia, Rockingham County, To-wit To the Sheriff of Said County:

Whereas, George D. Conrad, Commonwealth's Attorney of said County, has this day made complaint and information on oath before me, J. C. Swartz, Clerk of Trial Justice Court of the said County, that Charles Smith on the <u>30th</u> day of October <u>, 19 48</u>, in the said County, did unlawfully and feloniously seduce and have illicit connection with one Alice Du Bosq, an unmarried female of previous chaste character, having promised the said Alice Du Bosq on the aforesaid day unconditionally to marry her, the said Alice Du Bosq, against the form of the statute, against the peace and dignity of the Commonwealth.

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before the Trial Justice of the said County, the body of the said \_\_\_\_\_\_ Charles Smith

to answer the said complaint and to be further dealt with according

to law.

Given under my hand this	13thday of	July	, 19 49.	ilimites Fee
		A.C. S.	vorte	io plas 1.50
	all in	Clerk	0	Fatzertz

#### Memo. of Commonwealth Witnesses:

Name Anna May Lam Ella Lam Ernest Meadows

Address Elkton, Virginia Elkton, Virginia Wilmington, Delaware

### JUDGEMENT

8-12-49

### Wpon the hearing of the within charge,

Upon a plea of guilty, this defendant Charles Smith is held for action of the Grand Jury. Given under my hand this 12th day of August 1949.

I, Charles Smith, the accused in the within warrang in open court before the Judge of the Circuit Court Executed th of Rockingham County, Va. resting and de this 27th day of December 1949, do hereby waive indictmentCharles on said charge.

Charles Li	1	Amithe
Witness: Mamplet	a	thomay
Fine	\$.	
Issuing Justice's Fee -	\$	1.00
Clerk's Fee	\$.	1.25
Trial Justice Fee	\$.	2.00
5.60 plus 1.50 Arrest and Mileage -	\$.	7.10
Summoning Witness -	\$	1.50
Witness Attendance and Mileage	\$.	5.40
Commonwealth's Attorney	\$.	2.50
Jail Fees	\$.	. ,50
	\$	
Total 1		20.25
Ret R h		

**Trial** Justice

696 Given under my hand **Trial Justice Court** Criminal Docket No. A - 3709 Commonwealth this, , the Arrest Warrant vs. Charles Smith Executed the within warrant by arresting and delivering the body of before -Bail this day of Officer's Mileage Miles travelled by officer -- 35 Miles carried prisoner - - 35 Total mileage - - - 70 8-70 equals 5.60

STATE

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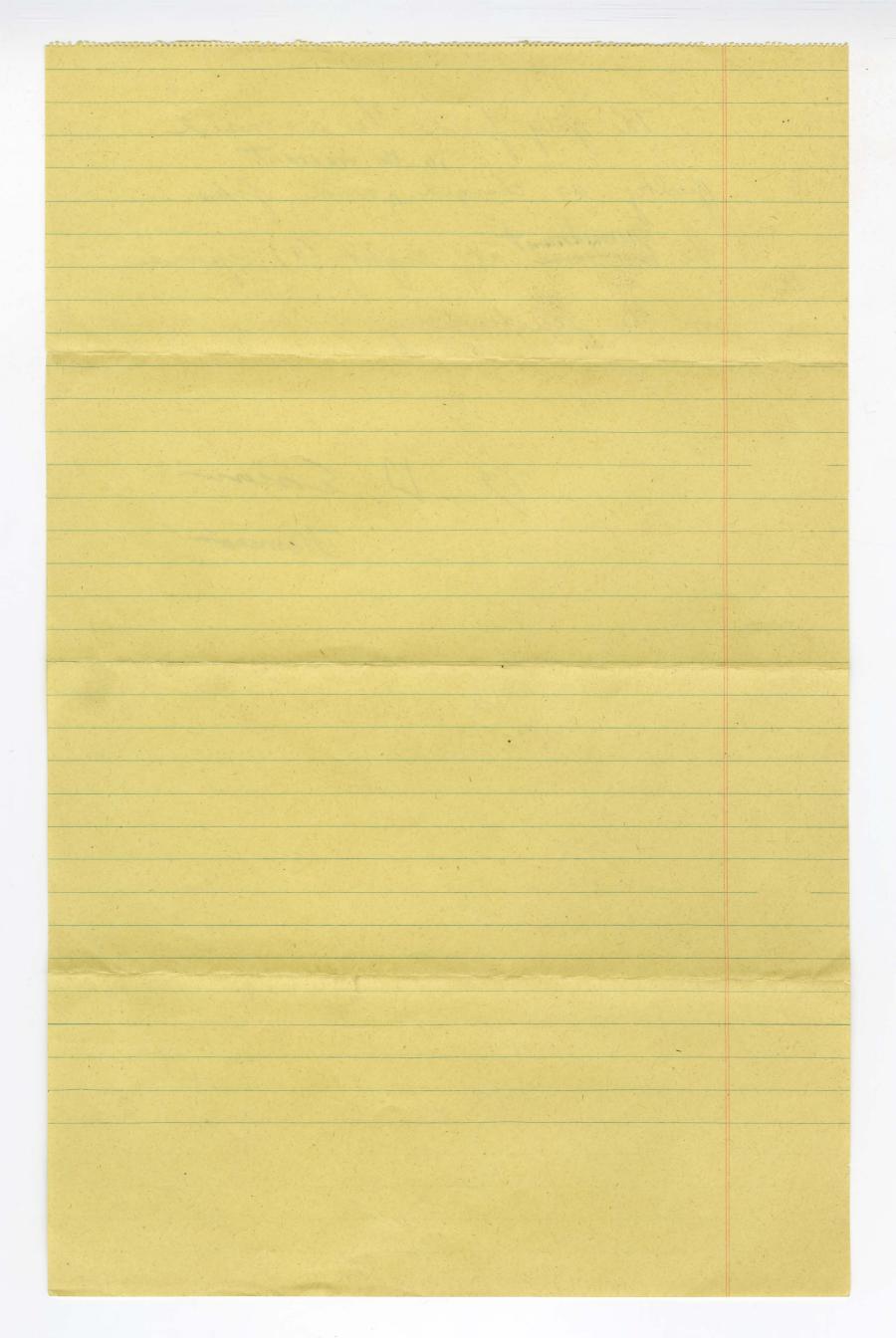
themselves

) as to

County of Rockingham, State of

dollars

The jury finds the accused milty as charged and files the purstant at eight (8) years in the penitentiary. A.D. Enn Homeon



( Paul Le lelul 2 Prest Lindart 3 Rayword Cofferan 4 J- Blackbern Keufer 5 Harold & Malerily R.g. mlogert Weldon 7- Hoorer 6 79 7f m. Janeels 9 Nalph Faling 10 Wildeman barber 11 fle Mleadour 12 a. L. Even

Docket No. 2349. DEC .... 1949 **COMMONWEALTH of VIRGINIA** VS. Felony (seduction) ( hand CHARLES SMITH J. K. Hickman p. d. Own (X) Appointed () 1949 December 27. Indictment &c. waived: arraigned & plea n.g. set for Jon. 16 1950 Jan. 16. Juny imp. & endence Jan. 16. Juny imp. & endence Jon. 17. Mindich & motion to Set aside & Cont. Jan. V.f. Mation to seh \$80. aside mithdrawn 2 + sent. 8/85

Shorif 7 en 10,50



VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY:

COMMONWEALTH OF VIRGINIA

VS.

CHARLES SMITH

This day came the defendant, Charles Smith, in person and by counsel, and assigned the following as the grounds of his motion to set aside the verdict of the jury returned on January 17, 1950, finding him guilty of seduction, and fixing his punishment at confinement in the State Penitentiary for a period of eight years:

(1) That the verdict of the jury is contrary to the law;

(2) That the verdict of the jury is contrary to the evidence;

(3) That the verdict is contrary to the law and the evidence, and is without evidence to support it;

(4) That the court erred in admitting certain evidence offered by the Commonwealth over the objections of the accused;

(5) That the court erred in overruling the defendant's motion to strike the evidence at the conclusion of the Commonwealth's case;

(6) That the court erred in giving certain instructions offered by the Commonwealth over the objections of the accused;

(7) That the court erred in failing to give certain instructions offered by the accused.

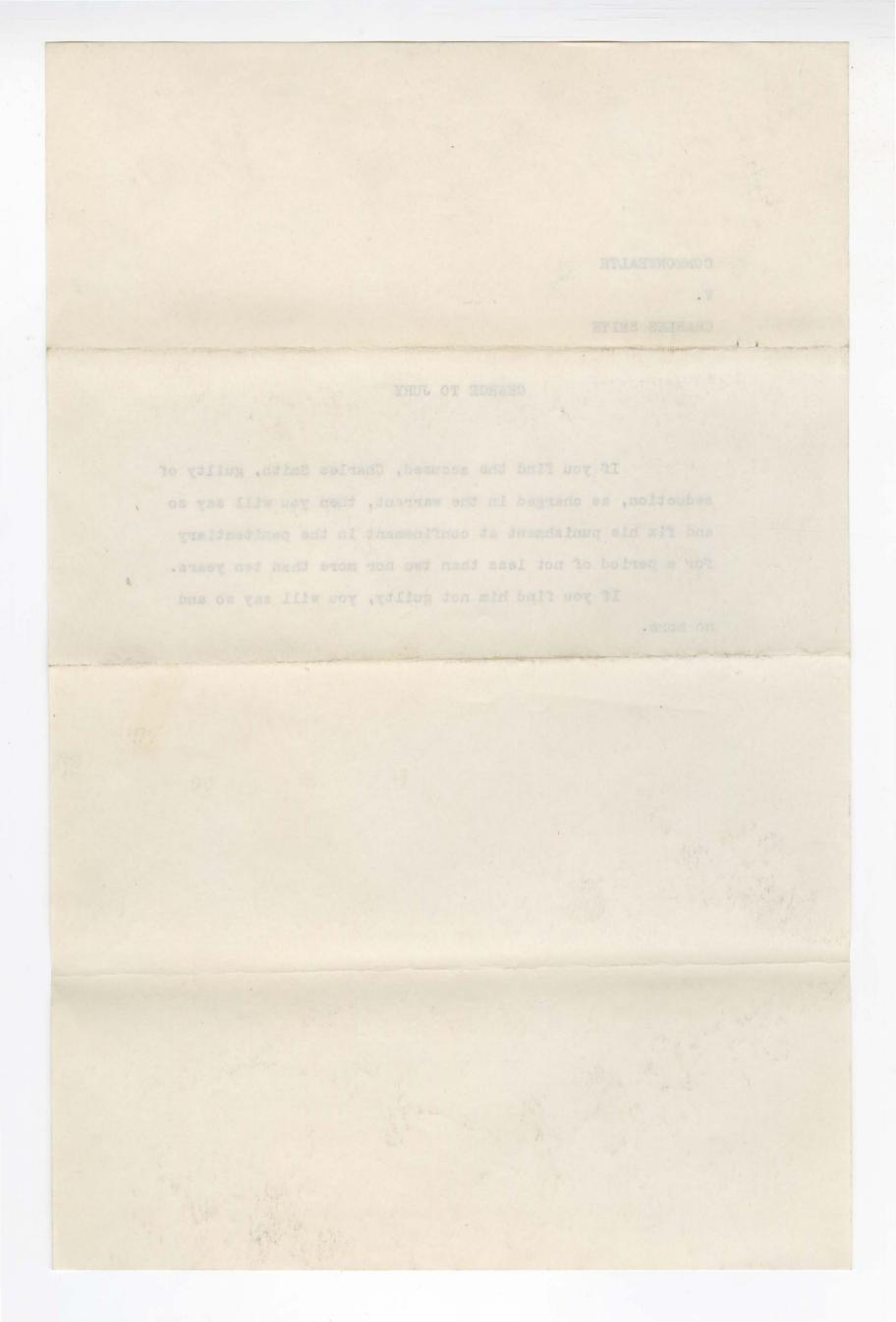
and by counted, and assigned the following as the grounds of his 17, 1950, ifinding his suilty of sequetion, and finite pushal-(3) That are court error in promuling the de--mo set to socialité and avitat at the total totalité :esec stal company of in interio (7) Mat the crist engod in fillin to div cartein instructions offered ov the socused.

COMMONWEALTH V. CHARLES SMITH

### CHARGE TO JURY

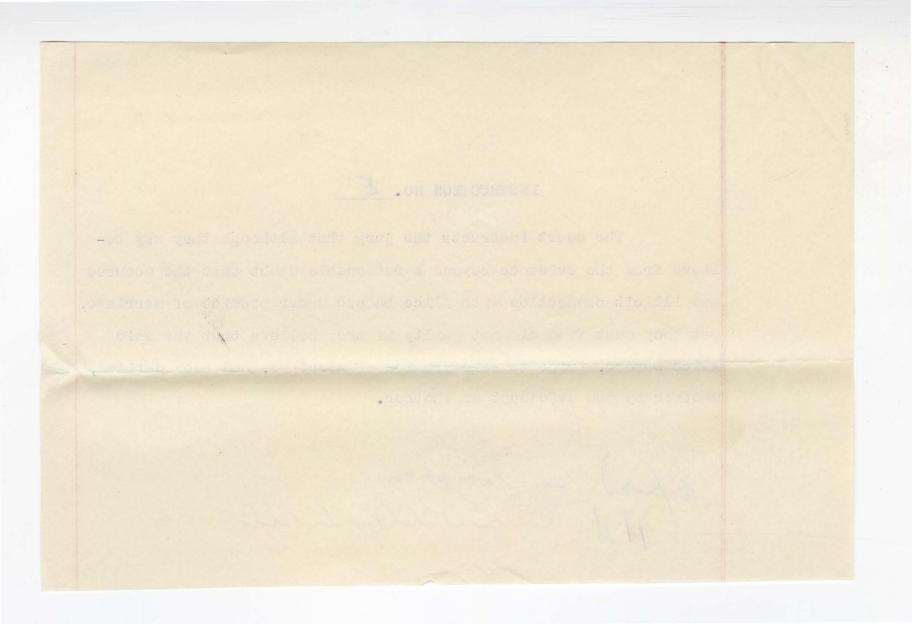
If you find the accused, Charles Smith, guilty of seduction, as charged in the warrant, then you will say so and fix his punishment at confinement in the penitentiary for a period of not less than two nor more than ten years.

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



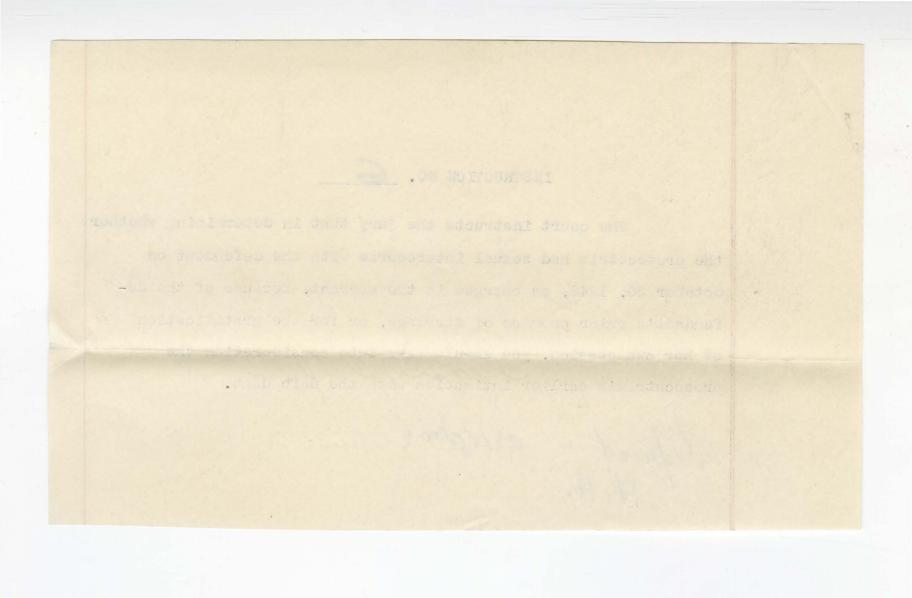
The court instructs the jury that although they may believe from the evidence beyond a reasonable doubt that the accused had illicit connection with Alice Dubosq under promise of marriage, yet they must find him not guilty if they believe that the said Alice DuBosq, prior to said promise of marriage, had been defiled, whether by the defendant or another.

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The court instructs the jury that in determining whether the prosecutrix had sexual intercourse with the defendant on October 30, 1948, as charged in the warrant, because of the defendant's prior promise of marriage, or for the gratification of her own passion, you should take into consideration the prosecutrix's earlier intimacies with the defendant.

Refused - exception



The court instructs the jury that although they may believe from the evidence beyond a reasonable doubt that the accused had illicit connection with the prosecutrix under promise of marriage, and may he have thought at the time that she was a female of previous chaste character, yet they must find him not guilty if they believe she was unchaste at the time of said seduction.

Refused - No exception H.H.



The court instructs the jury that although they may be-. tother we are were adding to the the the of sold sourceton.

INSTRUCTION NO.

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that the proxecutrix was an unmarried female of previous chaste character at the time of her alleged seduction, and that she was seduced by the prisoner by having illicit connection with her under promise of marriage, then you should find him guilty.

H.H.

The Sourt instructs the jury that if you believe from the evidence beyond a reasonable doubt that the prozecutrix was an unmarried female of previous chasts character at the time of her alleged seduction, and that she was soluted by the prisoner by having illicit connection with her under promise of marriage, then you should find him guilty.

The Court instructs the jury that while you cannot convict the accused on the uncorroborated testimony of the prosecutrix, Alice DuBosq, yet if the admissions of the accused and other surrounding circumstances substantiate her testimony so as to satisfy your minds beyond a reasonable doubt of the truth of her statements, then this is sufficient.

The Court further instructs the jury that it is not necessary that the supporting evidence be such as would be sufficient to convict without the evidence of the prosecutrix but it is sufficient if it supplies such facts or circumstances as tend to support such testimony upon the essential elements of the offense and where there is such evidence it is for the jury to say whether she is corroborated.

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The Court instructs the jury that the burden resting upon the Commonwealth to prove the accused guilty beyond all reasonable doubt of an offense and every material element thereof, charged against the accused, does not mean that it is necessary for the Commonwealth to establish the guilt of the accused to an absolute certainty or beyond all possibility of mistake or to do more than satisfy the jury that upon the evidence as a whole the accused is guilty thereof beyond all reasonable doubt. A reasonable doubt is a doubt founded on reason, that is, a doubt which the holder thereof can give good reason to entertain.

H.H. Ex

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The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, determine which witnesses are more worthy of credit and what is the relative weight of any such testimony, and to give credit accordingly.

A.H.

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The court instructs the jury that the law presumes every person charged with crime to be innocent until there guilt is established by the Commonwealth beyond all reasonable doubt, and this presumption of innocence goes with the accused through the entire case, and applies at every stage thereof; and if, after having heard all of the evidence in the case, the jury has a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact esstential to prove the charge against him in the indictment, it is their duty to give the accused the benefit of the doubt, and find him not guilty.

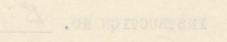
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percon charged with orino to le innocent until their puilt is established of the Commonwealth percond all reconsule doubt, and this presumption of innocence coes with the neomod through the entire case, and whiles at over, budge thereof, and if, ester insting heard all of the evidence in the case, the jury had a reastraing heard all of the evidence in the case, the jury had a reaindictuoit, it is to the puilt of the secured upon the whole case, or indictuoit, it is to the faile of your the secure against him in the stable doubt, it is to the secure the secure due to benefit of indictuoit, it is to the acting the secure and the bolist of the doubt, and find him help the secure of the benefit of

The court instructs the jury that you must find the defendant not guilty if you believe from the evidence that the offense with which the defendant is charged was not committed in Rockingham County, Virginia.

H.H.



The court instructs the for this you must find the fardant not guilty if you believe from the evidence that the forms with which the defendent is charged was not court that in

The court instructs the jury that the accused cannot be convicted upon the testimony of the female seduced unsupported by other testimony. Without undertaking to indicate the precise amount of corroborating testimony, which in this case would be sufficient, the court tells the jury that it must be evidence which does not emanate from the mouth of the seduced female, that it must not rest wholly upon her credit bility, but must be such evidence as adds to, strengthens, confirms of corroborates her testimo

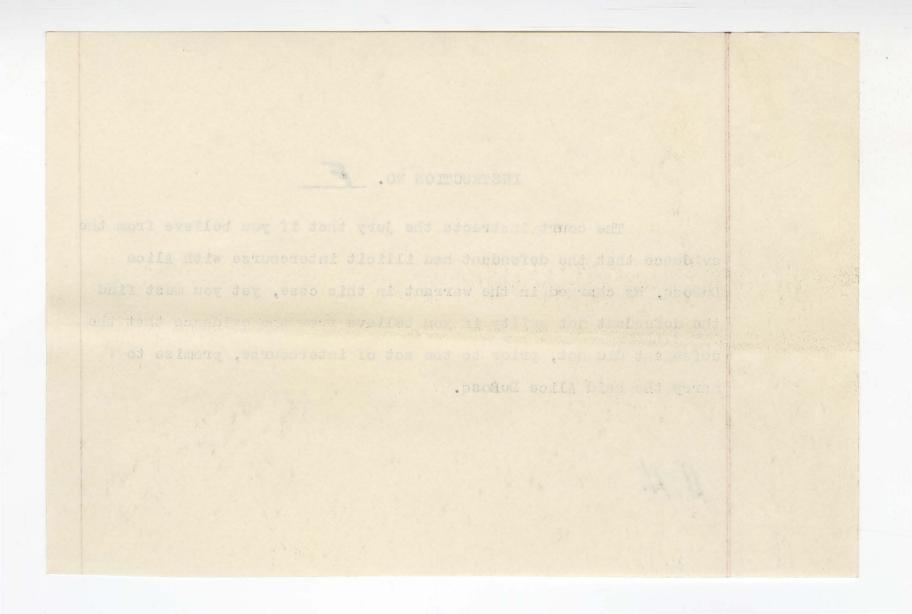
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## INSTAUCTON 90.

The court instructs the jury that the societ cannot be convicted upon the testimony of the fonale seduced insupported by other testimony. Mithout undertainer to indicate the precise "dont of corroborating testimony, which in this case would be "sufficient, the court tells the jury that it must be evidence official does not amonate from the mouth of the acqued female, that it also not rest wholly upon her creditivity, but must be evol-

The court instructs the jury that if you believe from the evidence that the defendant had illicit intercourse with Alice DuBosq, as charged in the warrant in this case, yet you must find the defendant not guilty if you believe from the evidence that the defendant did not, prior to the act of intercourse, promise to marry the said Alice DuBosq.

H.H.



Unit State

## Prisoners Report of Rockingham County Jail

Name Chap US mith Date Put in 1-17-50 R. Co. Jail 1-17-50

Address	/	1	
Male Female Age 2.4	Race Sing	e Married	Divorced
Separated Widow Wid	dower Illiterate	Gr. School	High Sch.
Vocational College Dr	rug AddictIneb	riate Occupation	Elictrion
Employed HA Reason for Bein Reason for Release from Jail	ng in Jail Held	tor per	·
Reason for Release from Jail			
Amount of Fine Cost	Sentence Time		
State County	City	Tov	vn
Federal Army			
Offense Seduction	~	Fel	$\checkmark$
Miscellaneous			
Date Committed 1-17-00	Date of Trial	Date of Release	
Court Committed From		Type of Court	
Transferred from	Transf	erred To	
Reason for Transfer			
Physical Condition		Contagious Disease,	If Any
			Deputy and Jailor

CC	ommonwealth vs	Charle	. Smith	
	DESC	RIPTION OF PR	ISONER	
Last known address Color	Echton Height 5-9	V. Eyes_Br	Hair Br	Weight45
Marks Ageb Date of Trial	Occupation 1   1 / 4   5 0	Elita	ción	- <u>*</u>
Result & Yn	s in Oin	/ *	·	

COMMONWEALTH VS. Charles Anulla DESCRIPTION OF PRISONER Last known address Color\_\_\_\_\_\_ Height 5-9 Eyes An Hair Ally Weight 120 Marks\_ Age 26 Occupation Slufour Date of Trial 1 - 16-17 - Contail to Jac 74 - 2 Pm Result\_



### Report of Witnesses for the Commonwealth

Month of August 19 49

Whose mileage and attendance were not collected by the Trial Justice before the end of said month.

	Clerk	, Trial Justice.					
WITNESSES	Fel. Pro. or Misd.	Days	Attendance	Miles	Mileage	Total	Date
Com. vs. Charles Smith	Fel.					8-	-12-49
1. Alice Du Bosq, Elkton, Va.	_	l	.50	26	1.30	\$1.80	
2. Anna May Lam, "		ı \.	.50	26	1.30	1.80	
3. Ella Lam "		1	.50	26	1.30	1.80	
4.						\$5.40	
5.							
6.							
Com. vs.	-						
1.							
2.							
3.							
4.							
5.							
6.							

All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance fifty cents, all necessary ferriage and tolls, and five cents per mile over five miles going and returning to place of trial or before grand jury. (Sec. 3512)

#### A - 3709

### Report of Witnesses for the Commonwealth

#### Month of August 19 49

Whose mileage and attendance were not collected by the Trial Justice before the end of said month

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10-47 IS				.101	Holis Salah
	\$1.30	1.30	.50		a Alice Du Bosq, Elkton, Va.
	1.80	1.30	.50		a sina May Lam, "
	1.80	1.30	.50		" malalis
	04.20				
				-	

All senargies manusoned for the Commonwealth shall be entitled to receive for each day's intendinate filly cents Il necessary foreings and talks and five sears per mile over five talks going and returning to place of nial or before grand jury. (Sec. 3312)

In the Name of the Commonwealth of Virginia: To the Sheriff of Rockingham County, Greeting: You are bereby commanded to summon Respell Mh Leouald 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 16 day of 2 armay 195 Sto testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against. Charles Anull who stands charged with and indicted for a felony misdemeanor. And this you shall not omit under penalty of £100. And have then and there this Writ. Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the day of Jame 1952, and in the 1.74 year of the Commonwealth.

Chas Smith ads. Borne.

Jan-16-50

J.K.H

EXECUTED/-//. JIN THE COUNTY OF A TRUE DN DELIVEJ NIHIIW ROCKINGHAM BY THE COPY OL

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0 be working it Mich be a month and it could be three or four but honey it lo and harting I know you'er going to ery when you read this but honey do us I say, please have it and proch for your and mine. Just writ and tall my how muck it take and I'll send it to you If times were good would Marry tomorrow so Jeleane believe me. I Quess you's will call me Every kind of a liar

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B you can think + Ding 40 Se Bak oday when started to cut people back aG gang of the supos 22 leave the plant this week & nest. So Carling thep the reason. Wite Tell me how mulis it take and Fill send you the money right Vaway. Well dalling I must close for Inow. Good night Koney Love Tinker

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Trial Justice Court

Criminal Docket No. 4-3709

#2349

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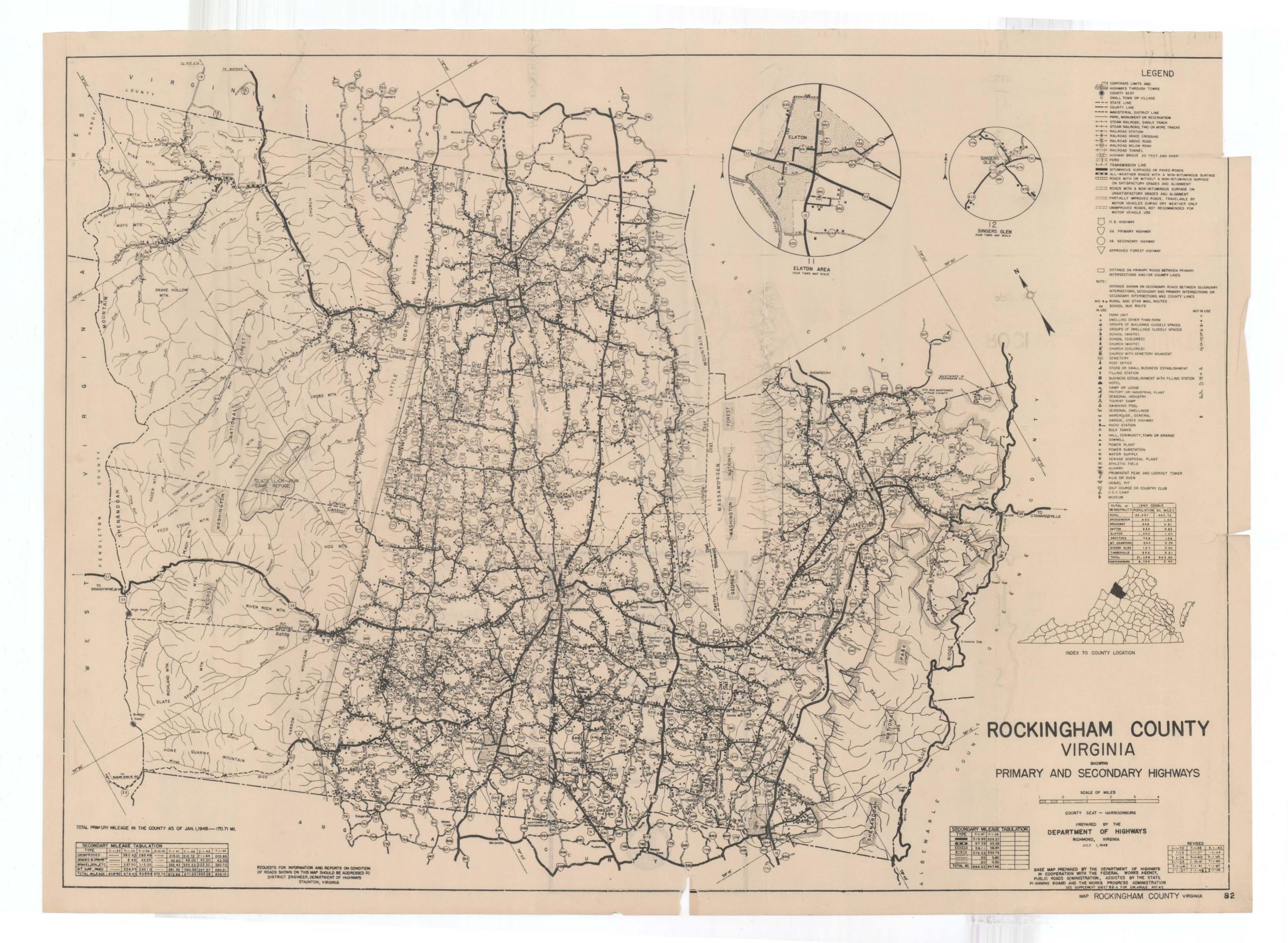
Charles Smith

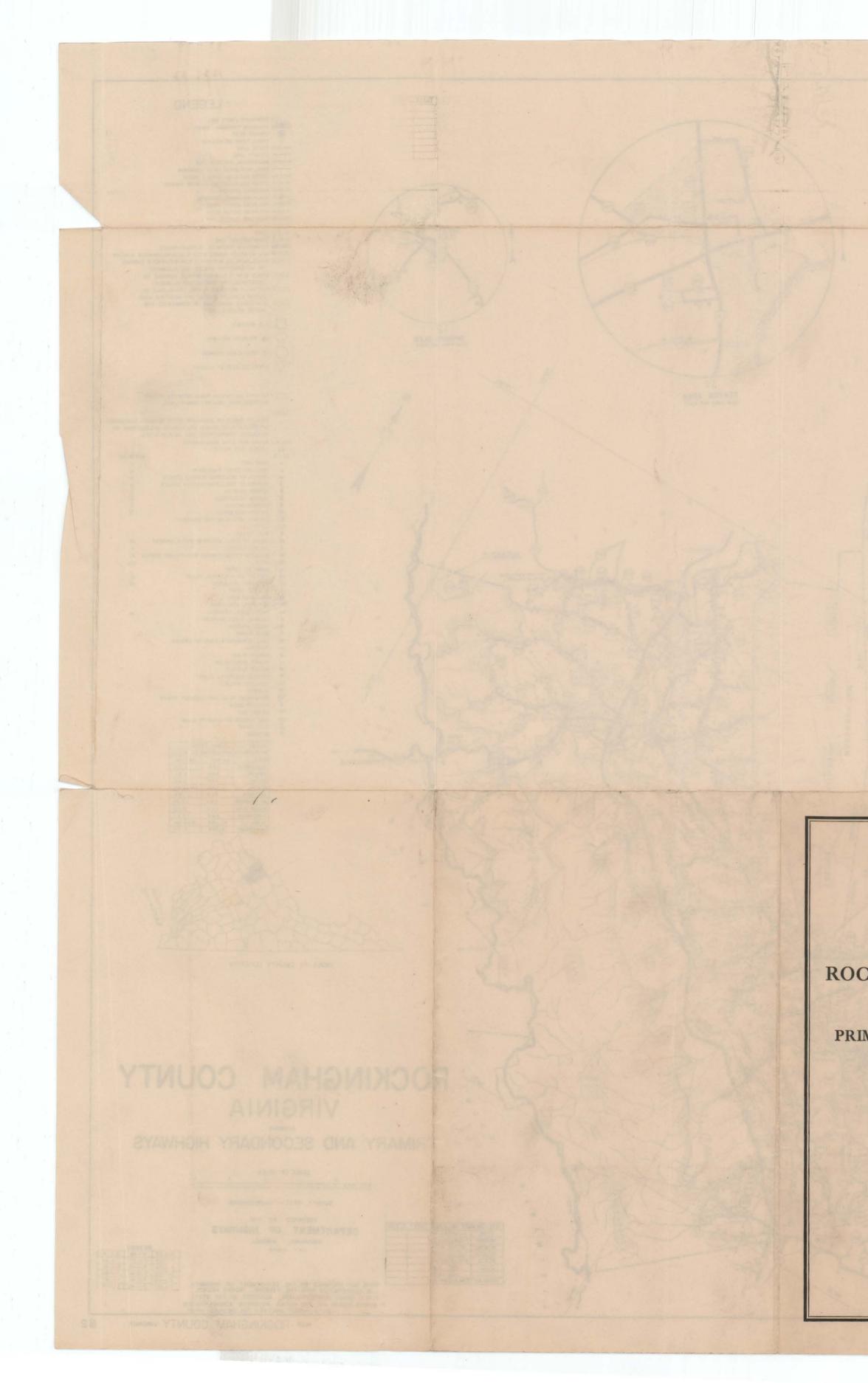
AW Date Arraigned 7-15-49 Trial Date

Set 8-12-49 2P.M. S Case sent to Grand Jung. J milidate Jan. 16 - 1950

Ona plea of guilty, held for Grand Jury.







# COMMONWEALTH

Return tom Blatt

of VIRGINIA MAP OF

## **ROCKINGHAM COUNTY**

showing the PRIMARY AND SECONDARY HIGHWAY SYSTEMS

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Department of Highways Richmond



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