

Handwritten notes at the top of the page, including the name "John Dove" and other illegible text.

COMMONWEALTH OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of said County of Rockingham and now attending said Court at its April term, 1925, upon their oaths do present that S. M. Brown and Mark Steele, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully manufacture, sell, offer, keep, store and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

The jurors aforesaid upon their oaths aforesaid do further present that S. M. Brown and Mark Steele, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully have in their possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

~~And the jurors aforesaid upon their oaths aforesaid do further present that S. M. Brown and Mark Steele, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.~~

This indictment is found on the testimony of John Dove, a witness sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused, S. M. Brown and Mark Steele guilty as charged in the indictment and fix their punishment at a fine of fifty dollars each.

R. G. Wolfe
Foreman

COUNTY OF ROCKINGHAM, TO-WIT:
COMMONWEALTH OF VIRGINIA,

In the Circuit Court of said County:

Commonwealth

v) Indictment

S. M. Brown and Mark Steele

Mrs. S. S. Searns

April term 1925

A True Bill:

D. W. Earman
Foreman

D. W. Earman
Commonwealth's Attorney

The grand jurors in and for the body of said County

The jurors aforesaid upon their oaths aforesaid do
and dignity of the Commonwealth of Virginia.
and receive orders for arrest and
for sale, give, transport, sell, other, keep, store and expose
unlawfully manufacture, sell, other, keep, store and expose
in this indictment, in the said
and Mark Steele, within one year next prior to the finding
at Rockingham and now attending said Court at its April

That present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.
possession and intent against the peace and dignity of
the said County of Rockingham, did unlawfully have in their
one year next prior to the finding of this indictment, in
the Commonwealth of Virginia.
And the jurors aforesaid upon their oaths aforesaid
do further present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.
one year next prior to the finding of this indictment, in
the said County of Rockingham, did unlawfully receive and
do further present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.

of Virginia.
spirits, against the peace and dignity of the Commonwealth
the said County of Rockingham, did unlawfully receive and
one year next prior to the finding of this indictment, in
do further present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.
And the jurors aforesaid upon their oaths aforesaid
do further present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.
one year next prior to the finding of this indictment, in
the said County of Rockingham, did unlawfully receive and
do further present that S. M. Brown and Mark Steele, within
the Commonwealth of Virginia.

Give evidence.

a witness sworn in Court and sent before the Grand Jury to
This indictment is found on the testimony of John Dove,
of Virginia.

INSTRUCTION NO. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

INSTRUCTION NO. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

City of Harrisonburg

To C. W. Dora Sheriff, a Constable of said County:

Whereas, J. S. Funk of the said County, has this day made complaint and information on oath before me, Sheppy J. Deemer a Justice of the said County, that Mark Steele, S. M. Brown

of the said County, on the 19th day of Oct. 1924, in the said County, did unlawfully transport and have in their possession of ardent spirits

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said Mark Steele and S. M. Brown to answer the said complaint and to be further dealt with according to law. And you are required to summon

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 8th day of Janey, in the year 1924

Sheppy J. Deemer J. P. (Seal.)

S.M. Brown, with C.R. Deamer as surety
acknowledged themselves indebted in sum
of \$500.00 for S.M. Brown's appearance before
Circuit Court on 1st day of Feb'y term
to answer charge.

Jan'y 6 - 1925

Sheffey L. Deemer

Preliminary
Hearing Waived

Commonwealth

vs.

Arrest Warrant

Mark Steele

S.M. Brown

Executed the within warrant by arresting
and delivering the body of

Mark Steele +

S.M. Brown

before

Sheffey L. Deemer

a Justice of ~~Rockingham~~ ^{Rockingham} County, and by sum-
moning the within named witnesses in person,

this 8 day of Jan'y 1925

C.W. Dove S.R.C.

Constable of Rockingham County.

Costs
warrant 1.00
Bail 2.00
3.00

Mark Steele, with C.R. Deemer, surety
for his sum of \$500.00 for Mark Steele's
appearance before Circuit Court on
1st day of Feb'y term 1925 to answer
charge.
Jan'y - 8 - 1925
Sheffey L. Deemer

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

James C. Johnston

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 8 day of Jan 1925, to testify and the truth to say in behalf of the Commonwealth against.....

S. M. Brown & c

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 3 day of Jan, 1925, and in the 149th year of the Commonwealth.

J. F. Blackburn, Clerk.

Comm.

20.

S. M. Brown & c

~~Asst~~

Sherrifflee 50

~~dis~~

Jan. 8, 1925

in person.

within Summons to within named witnesses

E. W. Dove, S. R. E.

Executed Jan. 5, 1925 by delivering a true copy of the

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

C. W. Dove, John S. Funtke,
W. C. Early

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 8 day of Jan. 1925,
to testify and the truth to say in behalf of the Commonwealth against.....

S. L. Brown &c

who stands charged with and indicted for a felony misdemeanor.

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
1 day of Jan., 1925, and in the 149th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed Jan 5, 1925 by delivering a true Copy of the
within Summons to within named witnesses
each person.

C. W. Dore, S. P. C.

Jan. 5, 1925

~~_____~~

Shuff Fee 1.50

20
J. S. Pearson &

Down

In the Name of the Commonwealth of Virginia:

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

John Funn
C. W. Dore

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 *13* day of *May* 19*25*, to testify and the truth to say in behalf of the Commonwealth against.....

J. M. Brown & Mauri Steele
who stands charged with and indicted for a ~~felony~~ misdemeanor.

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 *7* day of *May*, 19*25*, and in the *149*th year of the Commonwealth.

....., Clerk.

May 13, 1925

Notary Public for the State of New York

Copy

Executed May 10, 1925 by delivering a true Copy of the
within Summons to within named witnesses
each in person.

C. W. Dove, S. Rob.

Sherriff fee - 1.00

Mark Stille

S. M. Brown

Corn

20
in the Name of the Commonwealth of Virginia

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

C. W. Dove

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 20 day of April 1925 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

J. M. Brown & Mark Steele
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 15 day of April, 1925, and in the 149th year of the Commonwealth.

J. F. Blackburn, Clerk.

Comm.

vs

S. M. Brown

4

Sheriff fee .50

April 20,
1925

each in person.

Within Summons to: within named witnesses

Executed APR 16 1925 by delivering a true copy of the

E. W. Dove, S. P. G.

In the Name of the Commonwealth of Virginia:

Sergeant City of Staunton
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

W. C. Bucher, C. H. Baylow

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 *13* day of *May* 19*25*, to testify and the truth to say in behalf of the Commonwealth against.....

S. M. Brown + Max Steel
who stands charged with and indicted for a felony misdemeanor.

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 *7* day of *May*, 19*25*, and in the *149* th year of the Commonwealth.

J. F. Blackburn, Clerk.

Exp. dated May 8/1925 to H. K. Bucher
by delivery to him in person
at true copy of the return of a

S. D. Bell Sergt
Army of St. Louis Mo

Contd.

Wm. J. Brown
Maud Steele

May 13, 1925

Exp. dated May 9/1925 to H. K. Bucher
by delivery to him in person
at true copy of the return of a
S. D. Bell Sergt
Army of St. Louis Mo

#9

Instruction No

The Court instructs the jury that in arriving at a verdict they are entitled to take into consideration the fact that the defendant Brown as already lost his automobile.

Ref-

Instruction No

The Court instructs the jury that in arriving at a verdict they are entitled to take into consideration the fact that the defendant shown as already lost his automobile.

Handwritten signature

6

The Court instructs the jury that they cannot consider any happenings or events that took place outside of the boundary of Rockingham County.

Ref.

The Court instructs the jury that they cannot
consider any happenings or events that took place outside
of the boundary of Rockingham County.

Ref.

Ref
Instruction No 4

The Court instructs the jury that circumstances of suspicion, no matter how grave or strong, are not proof of guilt, and that the defendants must be found not guilty unless the fact of their guilt is proven beyond every reasonable doubt, and to the actual exclusion of every reasonable hypothesis of their innocence consistent with the facts proven.

Investigation No. 1

The Court instructs the jury that circumstances of such a nature as to make it probable that the defendant is guilty, and that the defendant must be found not guilty unless the fact of their guilt is proven beyond every reasonable doubt, and to the actual exclusion of every reasonable hypothesis of their innocence consistent with the facts proven.

Instruction No 3

Rep.

The Court instructs the jury that in weighing and considering all of the evidence in this case, together, they can give such weight as they may deem proper to the evidence showing the good character of the defendants, and if there is a reasonable doubt as to their guilt the jury in their discretion can -- on the good character of the defendants give them the benefit of the doubt on the evidence of their good character.

Instruction No 3

The Court instructs the jury that in order to be guilty of transporting ardent spirits as charged in this indictment the defedants must have known that the ardent spirits transported was in the automobile when they traveled over the highway within the County of Rockingham, *or that it was put in the car with their knowledge or consent.*

Instruction No. 3

The Court instructs the jury that in order to be guilty of transporting a person who is charged in this indictment the defendant must have known that the person being transported was in the automobile when they traveled over the highway within the county of Washington, or that it was part of the car when they were transported.

The Court instructs the jury that even though they find the accused guilty as charged, ^{if} ~~and~~ they further find that there has ^{the} been an ^{was an inadvertent or unintentional one,} ~~inadvertent~~ violation of the law, [^] it is not necessary ^{they} under the law to impose a jail sentence, but [^] may fix the punishment by fine alone.

ment by fine alone.

under the law to impose a jail sentence, but may fix the punish-
 ment by fine alone.

been an inadvertent violation of the law, it is not necessary
 to impose a jail sentence, but may fix the punishment by fine alone.

accused guilty as charged, and they further find that there has been
 an inadvertent violation of the law, it is not necessary to impose a jail
 sentence, but may fix the punishment by fine alone.

The Court instructs the jury that even though they find the

Repe

Instructions for the Defense.

-1- Repe

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established beyond a reasonable doubt, and this presumption of innocence goes with the accused throughout the entire case and applies to every stage thereof-- nothing is to be presumed or taken by implication against him...And if the Jury have any rational doubt as to any fact necessary to convict the accused of any offense whatever, they are bound to give the accused the benefit of that doubt...And if the jury have a reasonable doubt upon any material fact or element necessary to constitute the crime, this legal presumption in favor of innocence is, in doubtful cases, always sufficient to turn the scales in favor of the accused and it is the jury's duty to give the accused the benefit of such doubt and acquit him. And if there is any reasonable hypothesis consistent with his innocence they must acquit him; and it is unlawful and a breach of the sworn duty of the jury or a juror to compromise innocence with guilt.

compromise innocence with guilt.

and a breach of the sworn duty of the jury or a juror to
attest with his innocence that what occurred to him; and it is unlaw-
and occur to him. And if there is any reasonable hypothesis con-
the jury, a duty to give the accused the benefit of such doubt
sufficient to turn the scales in favor of the accused and it is
presumption in favor of innocence is, in doubtful cases, always
fact or element necessary to constitute the crime, this legal
doubt... and if the jury have a reasonable doubt upon any mater-
material, they are bound to give the accused the benefit of that
as to any fact necessary to constitute the accused of any offense
prosecution against him... and if the jury have any rational doubt
every stage thereof-- nothing is to be presumed or taken as im-
plies with the accused throughout the entire case and applies to
ed beyond a reasonable doubt, and this presumption of innocence
son charged with crime to be innocent until his guilt is established.

The Court instructs the jury that the law presumes every per-

-1-

Instructions for the Defense.

212 April Term (Paco) 1925

S. M. Brown

Mark Steele

ads. Indictment for
a misdemeanor.

Commonwealth

1925 April Term
1925

Leland H. Harvee

Wm Ruddle

R. J. Swope

Forest Hollar

N. E. Michael

Sheriff fee

Premium Yarns 23.00

Imp. Jury 1.50

Summons 3.50

total 28.00

Fred Blewens
Lexington
Va

1005 for.

R.M. Brown
send bill -



20-4446