

John Spalding
Commonwealth

vs. - Warrant On an appeal from a decision of the
H.P. Snapp. Mayor of the Town of Grottoes,
Rockingham County, Virginia.

This day came the attorney for the Commonwealth and the defendant, by counsel, and moved the Court to quash the warrant in this case, because the same was insufficient in that it did not show upon its face that it was issued upon a complaint of any one, and for the further reason that it did not charge a criminal offence.

And the Court, having heard argument thereupon, ^{overruled} ~~ADJUDGE~~ ^{the said motion, and on the motion of the attorney for the Commonwealth} that the warrant is sufficient with reference to charging the complaint but that it is not sufficient with reference to the offence charged, but leave is given to the Commonwealth's attorney ^{gave him leave} to amend the warrant ^{was} as to the offence charged, which is accordingly done, to which action of the Court the defendant by counsel excepted.

Town of Hatcher

R. P. Snapp

Lease remaining
in possession of
Snapp

Lease in Green
man's hands
R. P. Snapp

3/11/23

R. P. Snapp

On an appeal from a decision of the
Mayor of the Town of Hatcher,
Rockingham County, Virginia.

R. P. Snapp

In re. Town of Grottoes,

vs.

H. P. Snapp.

Motion to quash warrant of arrest issued by R.T. Miller, Mayor of Grottoes against H. P. Snapp.

1. This warrant says, "Whereas evidence has this day made complaint and information on oath before, R.T. Miller, Mayor of said town, that H.P. Snapp on the 9th day of Sept. 1922 in said town, did transport moonshine in violation of an ordinance of said town," &c.

It is submitted that there must be some person making the complaint. Of course it is not contended that the Mayor could not have issued the warrant at his own instance but the warrant does not so say.

It is submitted that the effect of this warrant is no one "has this day made complaint" &c. therefore there is no complaint upon which the warrant can be predicated.

It is further submitted that the words, "transport moonshine" does not set out an offense against the laws of this Commonwealth. The Prohibition Law, Sec. 3, says, "It shall be unlawful for any person in this State to manufacture, transport, sell, keep or store for sale, offer out or expose for sale, give away or dispense or solicit in any way, or receive orders for or aid in procuring ardent spirits as hereinafter provided."

It is submitted that "Transport moonshine" does not come under any of those numerous offenses.

2. On the back of the warrant is this judgment, "Sept. 11, 1922 the defendant is found _____ guilty as charged and adjudged to pay a fine of \$100.00 for the benefit of the town and the costs noted on this warrant." Signed

In re. Town of Groton,

vs.

H. P. Snapp.

Motion to quash warrant of arrest issued by R.T.

Miller, Mayor of Groton against H. P. Snapp.

1. This warrant says, "Whereas evidence has this day made complaint and information on oath before R.T. Miller, Mayor of said town, that H.P. Snapp on the 27th day of Sept. 1922 in said town, did transport moonshine in violation of an ordinance of said town," &c.

It is submitted that there must be some person making the complaint. Of course it is not contended that the Mayor could not have issued the warrant at his own instance but the warrant does not so say.

It is submitted that the effect of this warrant is no one "has this day made complaint" &c. therefore there is no complaint upon which the warrant can be predicated. It is further submitted that the words, "transport moonshine" does not set out an offense against the laws of this Commonwealth. The Prohibition Law, Sec. 3, says, "It shall be unlawful for any person in this State to manufacture, transport, sell, keep or store for sale, offer out or expose for sale, give away or dispense or solicit in any way, or to receive orders for or aid in procuring orders for moonshine as hereinafter provided."

It is submitted that "Transport moonshine" does not come under any of those numerous offenses. On the back of the warrant is this judgment, "Sept. 11, 1922 the defendant is found guilty as charged and adjudged to pay a fine of \$100.00 for the benefit of the town and the costs noted on this warrant." Signed

R. T. Miller, Mayor.

Quarere? Of what is the defendant found guilty?

It will be noted that he is not found guilty as charged in the warrant but simply found guilty as charged. We submit that this is not sufficient.

In conclusion we would say that while we understand that a warrant is informal, and that the strict rules which apply to an indictment do not prevail to the effect of the construction of a warrant, yet a warrant is a pleading upon which the accused is deprived of his property or his liberty or both and there are certain fundamental rules which must be observed.

(a) There must be a proper complaint. (b) It must charge an offense against the law of the land.

It is submitted that the warrant in question shows neither that it is made upon a proper complaint nor that he charges an offense punishable under the law.

Respectfully submitted,

ET. Miller

Sec 4824 Code

Sec. 769 - Hunt's Guide

"Wanamam of Amos" Words & Phrases Second Series
§ 1242

R. T. Miller, Mayor.

Guaranty? Of what is the defendant found guilty?
It will be noted that he is not found guilty as charged in the

... as charged. It is noted that

this is not sufficient.

Com - AP
Smith - AP
Price

Magy's Bank, 1.5.19
Hand signed in indictment
Witnesses summoned
after my before the judge

Nov 1 Dec 1 189
Dec 1 1890 giving the form
of a warrant does not
check that the names
of the witnesses or
of the defendant
of the defendant
of the defendant

charges an offense punishable under the law.
 neither that it is made upon a proper complaint nor that he
 If it is admitted that the warrant in question shows
 Respectfully submitted,

[Signature]

See 1890 Code
See 1891 - Thomas

When one defendant is charged with another
of the same offense

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

R. T. Miller and S. F. Newman

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 *23* day of *June* 19*23*, to testify and the truth to say in behalf of the Commonwealth against.....

Heulert Snapp
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 *22* day of *June*, 19*23*, and in the 14^{*7*}th year of the Commonwealth.

J. F. Blackburn, Clerk.

Commonwealth
of
Sergeant Snapp

Cost Dismissed
Settled
June 23, 1923

W.D. 1
P.M. 1

Sheriff Fee 50

June 23, 1923

Executed by delivering a copy of the
within summons to J. Newman in
person this 21st June 1923
E. J. Wilcox Deputy
for W. F. Michael S.P.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

R. T. Miller

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 23 day of June 1923 to testify and the truth to say in behalf of the Commonwealth against.....

Heubert Snapp.

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 22 day of June, 1923 and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

P. T. Miller

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

P. T. Miller

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 23 day of June 1857 to testify and the truth to say in behalf of the Commonwealth against

Richard S. ...

who stands charged with and indicted for a felony - misdemeanor. And this ... shall not null under the penalty of \$100. And have their and there this writ.

Witness J. F. WELLS, Clerk of our said Court, at the Court House, the 23 day of June 1857.

J. F. Wells, Clerk

Very Respectfully, Sir

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

S. F. Meussman

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 23 day of June 1923 to testify and the truth to say in behalf of the Commonwealth against.....

Herbert Snapp.

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 22 day of June, 1923, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

S. F. Newman

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

S. F. Newman

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 22 day of June 1857 to testify and the truth to say in behalf of the Commonwealth against

Richard D. App

who hands charged with and indicted for a felony—misprision—
and this ~~he~~ shall not omit under the penalty of \$100. And have taken

and there this Writ.

Witness, J. E. BLACKBURN, Clerk of our said Court, at the Court House, the 22 day of June 1857 and in the 14th year of the Commonwealth.

J. E. Blackburn
Clerk.

WARRANT OF ARREST

STATE OF VIRGINIA, TOWN OF GROTTOS, TO-WIT:

To J. P. Newman. Sergeant, or any Policeman of said town:

Whereas Evidence has this day made complaint and information on oath before me, R. T. MILLER, Mayor of said town, that H. P. Snapp

on the 11 day of Sept 1922

in said town, did ~~manufacture, sell, offer, keep, store, and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits~~

unlawfully manufacture, sell, offer, keep, store, and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits

in violation of an ordinance of the said town:

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, the body of the said H. P. Snapp.

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

Given under my hand and seal this 11 day of Sept 1922

R. T. Miller (Seal)
Mayor

The defendant is found Sept. 11. 192 guilty as charged, and adjudged to pay a fine of \$ 100.00 for the benefit of the town, and the costs noted on this warrant.

R. F. Miller Mayor

*Appal. granted
By Circuit Court
R. F. Miller*

WARRANT OF ARREST
TOWN OF GROTTOS

vs.

Summons for Town

Summons for Defense

COSTS

Fine	\$	<u>100.00</u>
Issuing and Trying Warrant		<u>3.00</u>
Summoning Witnesses		
Jail Fee		
Witnesses' Attendance		
Arrest		
Total		<u>103.00</u>
Executed		<u>192</u>

(192)

June Term 1923

H.P. SNAPP

ADS Appeal

COMMONWEALTH



20-4446