

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors of the Commonwealth of Virginia in and for the body of said county of Rockingham and now attending said Court at its April term, 1930, upon their oaths do present that Edgar Spitzer, , did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully receive and have in his 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 the said Edgar Spitzer, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully manufacture ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of G. A. Lawson, W. T. Rexrode, and ~~J. T. Long~~, witnesses sworn in Court and sent before the grand jury to give evidence.

Poss and mfg. ✓

Com
v) Indictment
Edgar Spitzer

Misdemeanor
April term, 1930

A True Bill:

J. H. Leeth
Foreman

D. W. Earman
Commonwealth's Attorney

In the Circuit Court of said County:
COUNTY OF ROCKINGHAM, Va--wit:
COMMONWEALTH OF VIRGINIA,

before the Grand Jury to give evidence.
W. H. Rexrode, and ~~J. T. Pong~~, witnesses sworn in Court and sent
This indictment is found on the testimony of G. A. Lawson,
Peace and Gentry of the Commonwealth of Virginia.

Rockingham, unlawfully manufacture ardent spirits, against the
prior to the finding of this indictment, in the said county of
present that the said Edgar Spitzer, within one year next
And the jurors aforesaid upon oaths aforesaid do further
Highly of the Commonwealth of Virginia,
and have in his possession ardent spirits, against the peace and
indictment, in the said county of Rockingham, unlawfully receive
Spitzer, did, within one year next to the finding of this
of the said term, 1930, upon oaths do present that Edgar
The Court of said County of Rockingham and the law regarding said Court

Commonwealth of Virginia—City, County of, *Richmond* to-wit:

To the Prohibition Inspectors, Sheriffs, Sergeants, and all Police Officers and Constables of the State of Virginia—Greeting:

WHEREAS *W. J. Beards* of the said *Richmond* County

has this day made complaint and information on oath before me, *W. G. Dimmore, Jr.* Name of Magistrate Title

of the said *Richmond* County that he verily believes, that in the said *Richmond* County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain *Swelling outbuildings & premises*

by one *Edgar Spitzer who lives with his Mother Rebecca Spitzer* Here describe the place, house, room or boat, as the case may be Give name, if name unknown, say, "Whose name is to the informant unknown"

(b) A still, still cap, worm, tubs, fermenters and other appliances connected with such still and used, and mash and other substances, capable of being used, in the manufacture of Ardent Spirits, are unlawfully in the possession of, and unlawfully used by one *Edgar Spitzer living with his Mother Rebecca Spitzer* Give name, if name unknown, say "Whose name is to the informant unknown"

in a certain *Swelling outbuildings & premises* Here describe place as in (a) above

(c) Ardent Spirits are being unlawfully kept, held, stored, concealed, used, sold, and unlawfully transported in certain baggage or a certain vehicle, to-wit: a certain

by one Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not Here give name, or describe as in [a] above

And there being reasonable cause for such belief:

THESE ARE, THEREFORE, IN THE NAME OF THE COMMONWEALTH OF VIRGINIA, to command you, with all necessary and proper speed and assistance, to search the house, place, baggage, boat or vehicle herein designated, either in day or night, and seize such ardent spirits and their containers and other things apparently possessed or used in violation of law, and bring the same and the person or persons, in whose possession they are found, and also any person resisting, impeding, obstructing, or in any manner hindering or delaying you in the execution of this warrant before me, or some other officer having jurisdiction of the case, to be disposed of and dealt with according to law; and make return of this warrant showing all acts and things done thereunder, with a particular statement and sufficient description of the things seized and the name of the person in whose possession found, if any, and if not found in the possession of any one, so state in your return, and post a true copy of this warrant and the return thereof, as required by law.

Given under my hand and seal this *7th* day of *Dec* 192*9*

W. G. Dimmore, Jr. (SEAL) *Justice of the Peace* Title of Magistrate

DIRECTIONS

1. If only Ardent Spirits and containers be seized, the Magistrate shall fix a time not less than 10 nor more than 30 days from the date of return, for the hearing of said return. If no claimant appear, the Ardent Spirits and articles are to be forfeited to Commonwealth. Any person claiming any of same must file a **written claim** stating particularly the character and extent of his interest therein, whereupon the Magistrate shall certify the warrant, **written claim** and articles claimed, to the Circuit or Corporation Court, as the case may be, for determination, and declare the unclaimed articles forfeited.
2. If still, still cap, worm, tubs, heater, fermenters, or any appliance connected with a still and used, or mash or other substance capable of being used, in the manufacture of Ardent Spirits, be seized, the mash (after taking a sample) shall be destroyed, and the facts and articles seized reported to the Prohibition Commissioner and Commonwealth's Attorney. (A copy of this warrant and proper return will be a sufficient notice and report.) Ardent Spirits and containers disposed of as in No. 1 above.
3. If Ardent Spirits are being transported in an automobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be delivered to the Sergeant of the City, the facts reported to the Prohibition Commissioner and Commonwealth's Attorney and Ardent Spirits and containers disposed of as provided in No. 1 above. (A copy of this warrant and proper return will be a sufficient report.)
4. A copy of this warrant and the return thereon must be posted at the front door of the house, or on the door of the room, or on the premises at the place the Ardent Spirits may be found.

See Sections 21 1-2, 22, 23, 23 1-2, 57 and 57 1-2, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia vs.

Executed the within warrant this 7th day of Decr 1922, by searching the within stated Premises

Here state house, room, place

and by seizing the following described Ardent Spirits and other things therein found (and arresting the above named person found in possession thereof) and by posting a true copy of this warrant and the return hereon on the

Here say place, house, room, boat.

auto or Baggage, or as case may be

as front door of house, door of room or premises

Description of Ardent Spirits and other things

seized 49 bottles Home Brew

Given under my hand this 7th day of Decr 1922

H. G. Bennett, State Prob Inspector Title

The following named officers and persons assisted me in the execution of this warrant:

G. A. Hanson, J. D. Long

Other than above stated the following are witnesses:

This matter set for hearing on the _____ day of _____, 192_____.

No claim of ownership or interest in any of the said things seized having been filed herein in compliance with the law, the same are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this _____ day of _____, 192_____.

Title of Magistrate

Written claim of ownership or interest having been filed to certain of the said things herein seized, this warrant, the said claim and the things in the claim particularly described, are hereby certified to the _____ Court of this _____ for determination, and the said things unclaimed are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this _____ day of _____, 192_____.

Title of Magistrate

NOTE.—Unless warrant issued for Ardent Spirits being transported in vehicle, boat or baggage, it is to be returned to the jurisdiction from which issued. If issued for Ardent Spirits so transported, it can be executed in any part of the State, and returned to any justice in any county or city through which they are carried.

#732

COMMONWEALTH

JUN

1930

VS.

(Misdemeanor (Pro.)

EDGAR SPITZER

copy

