

COMMONWEALTH 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 the county of Rockingham, and now attending said Court at its October term, 1930, upon their oaths present that B.Mumbert, within one year next prior to the finding of this indictment, in said county, did unlawfully have in his possession eight gallons of (what is commonly called home brew) ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of A. R. Dixon, J. L. Dirting, W. T. Rexrode, and H. R. Dinges, witnesses sworn in Court and sent before the grand jury to give evidence.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

Poss

Commonwealth
v) Indictment

B. Mumbert

Misdemeanor

October term, 1930

A True Bill:

W. S. Armistead
Foreman

D. W. Earman
Commonwealth's Attorney

evidence.

Dixon, J. L. Dirling, W. T. Rexrode, and H. R. Dingus, wit-
nesses sworn in Court and sent before the Grand Jury to give
This indictment is found on the testimony of A. R.

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

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

WHEREAS *W. J. Reppe* Prohibition Inspector of the said ~~City~~ County has this day made complaint and information on oath before me, *F. J. Aquilino* J.P. of the said ~~City~~ County that he verily believes, that in the said ~~City~~ County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain *Dwelling house and Out buildings* Here describe the place, house, room or boat, as the case may be

by one *Benjamin Mumford* 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 *Benjamin Mumford* Give name, if name unknown, say "Whose name is to the informant unknown"

in a certain *Dwelling house and Out buildings* 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 Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not

by one 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 *19th* day of *August* 19*20*

F. J. Aquilino (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

Ben. Mumford

Executed the within warrant this 20th day of August, 1920, 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 _____

8 gallons of Home-Brew
45 empty Beer Bottles

Given under my hand this 20th day of August, 1920.

H. S. Rexrode
State Prob Inspector Title

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

J. L. Wirtz
W. R. Williams
A. R. Dickson
G. A. Hanson

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.

Arrest Warrant

JUDGMENT

STATE OF VIRGINIA - COUNTY OF ROCKINGHAM - TO-WIT:

Commonwealth of Virginia, } To-Wit:
Rockingham County, }

To the Sheriff or any _____, a Constable of said County:

Whereas, W.T.Rexroad of the said County, has this day made complaint and information on oath before me, J.C.Cooper a Justice of the said County, that B.E.Mumbert of the said County, on the 20 day of August, 1930, in the said County, did unlawfully have in possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

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 B.E.Mumbert

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 20 day of August, in the year 1930.

J. P. [Signature]

J. P. [Seal]

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

I, J.C. Cooper, a Justice of the Peace in and for the County of Rockingham, Virginia, do hereby certify that B.E. Mumbert and Nettie A. Mumbert as his surety,

have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of Five Hundred Dollars (\$ 500.00) to be made and levied of their goods and chattels, upon this condition: That the said B.E. Mumbert shall appear before the undersigned or the Circuit Court of Rockingham County, on the 22 day of August, 1930, and not leave hence without leave of the said Court, to answer the charge in this warrant, or to await the action of the Grand Jury of the said County upon the within charge.

Given under my hand this, the 20 day of August, 19 30.

J.C. Cooper
J. P.

JUDGMENT

Upon the examination of the within charge, I find the accused

Commonwealth

vs.

Arrest Warrant

B. E. Mumbert

Fine	-	-	-	\$
Clerk's Fee	-	-	-	\$
Justice's Fee	-	-	-	\$
Arrest	-	-	-	\$
Summoning Witness	-	-	-	\$
Witness Attendance and Mileage	-	-	-	\$
Commonwealth's Attorney	-	-	-	\$
Jail Fees	-	-	-	\$
Total	-	-	-	\$

Executed the within warrant by arresting and delivering the body of

before a Justice of Rockingham County, and by summoning the within named witnesses in person this day of 19

Constable of Rockingham County

Justice of the Peace.

791

OCT 1930

COMMONWEALTH

VS.) Misdr. (Pro.)

B. MUMBERT

~~B.W. Brink
 W.E. Kite
 Edy C. Brunner
 H.M. Coppman
 Herbert S. Gost
 Lewis Brunk
 A.R. Myers~~

Copies

18th

Noe Pros.

\$5⁰⁰ for Dr. Pickett



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