

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

Commonwealth of Virginia

Vs.

Victoria Davis.

}
Upon an indictment for a misdemeanor.

BE IT REMEMBERED that upon the trial of this cause, the Commonwealth to maintain the issue upon its part, introduced Ross Stanley, as a witness, who testified that he resided in Elkton, Rockingham County, Virginia; that he has known Victoria Davis for eighteen or twenty years; that she resides three miles south of Elkton and in Rockingham County; that he was at her residence on Sunday, in September 1913; that for sixty cents he purchased something to drink from her, either wine or cider, he "did not know what you might call it"; that Cecil Deane went with him to the place; that several persons were there, including Henry Moubray and the Baugher boy; that the cider or wine which he drank did not have much effect; that he was drinking when he went there; that the wine may have added some little, as every little bit helps; that he was feeling good when he went and he was feeling good when he came away; that what he got there did not add anything to his feeling and took nothing ^{from} ~~for~~ it; and he further testified that he could not have carried enough of the wine or cider which he purchased to have affected him.

Herman Baugher, another witness introduced in this behalf, testified that he was there on the 21st of September, 1913, when Henry Moubray, Ross Stanley, and others, were there; that he purchased a gallon of wine, paying the defendant \$1.00 therefor; that if you drank enough of it it would have some effect; that he was not drunk, but that Ross Stanley was drunk; that Stanley was drunk when he came and drunk when he went away, and that some of the others were apparently feeling the effects of some drink; that "I was feeling it a little myself"; that it was intoxicating, and the liquor was the color of wine.

Cecil Deane, another witness introduced in the same behalf,

Commonwealth of Virginia

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for sixty cents he purchased something to drink from her, either wine

or cider, he "did not know what you might call it"; that Cecil Deane

went with him to the place; that several persons were there, including

Henry Morrey and the Baugher boy; that the cider or wine which he drank

did not have much effect; that he was drinking when he went there; that

the wine may have added some little, as every little bit helps; that he

was feeling good when he went and he was feeling good when he came away;

that what he got there did not add anything to his feeling and took

nothing from it; and he further testified that he could not have carried

enough of the wine or cider which he purchased to have affected him.

Harman Baugher, another witness introduced in this behalf,

testified that he was there on the 21st of September, 1913, when Henry

Morrey, Ross Stanley, and others, were there; that he purchased a gal-

lon of wine, paying the defendant \$1.00 therefor; that if you drank

enough of it it would have some effect; that he was not drunk, but that

Ross Stanley was drunk; that Stanley was drunk when he came and drunk

when he went away, and that some of the others were apparently feeling

the effects of some drink; that "I was feeling it a little myself";

that it was intoxicating, and the liquor was the color of wine.

Cecil Deane, another witness introduced in the same behalf,

testified that he went to Victoria Davis' with Stanley; that he saw Stanley get wine while there; that Stanley was drinking when he went there, and, just before entering the house, emptied his bottle of the whiskey he had gotten in Shenandoah, by drinking it; that the witness had been drinking and that the wine or cider which he drank at Victoria Davis' did not have much effect, if any, upon him. This witness further testified that Herman Baugher was not intoxicated.

And this was all of the evidence introduced on the part of the Commonwealth.

Whereupon the defendant, to maintain the issue upon her part, was sworn in her own behalf, and testified that she did not sell Stanley anything, but that she did sell Baugher some cider or grape juice which had been made a week or so, which was not strong enough to make them drunk. On cross-examination she said that the grape juice or cider had been made a couple of weeks; that Stanley was drunk when he came there and she was anxious to get rid of him and gave him some of the wine, but that he paid nothing for it; that, "If you would drink enough of it, it would make you drunk"; and that Baugher had paid her fifty cents.

Henry Moubray, another witness introduced on behalf of the defense, testified that it was not intoxicating, and was not fit to drink.

And this being all of the evidence ^{introduced} on behalf of the Commonwealth and on behalf of the accused, the Court instructed the jury as is set out in defendant's Bill of Exception No. 2, which is herewith referred to and made part hereof.

Thereupon, after argument of Counsel, and after the Jury had rendered the following verdict, to-wit: "We the Jury find the defendant, Victoria Davis, guilty as charged in the indictment and impose a fine of fifty dollars," and before judgment ^{was rendered} thereon by the Court, the accused, by Counsel, moved the Court to set aside the verdict and grant her a new trial upon the ground that said verdict was contrary to the

testified that he went to Victoria Davis' with Stanley; that he saw Stanley get wine while there; that Stanley was drinking when he went there, and just before entering the house, emptied his bottle of the whiskey he had gotten in Sherbrooke, by drinking it; that the witness had been drinking and that the wine or cider which he drank at Victoria Davis' did not have such effect, if any, upon him. This witness further testified that Herman Baugher was not intoxicated.

And this was all of the evidence introduced on the part of the Commonwealth.

Whereupon the defendant, to maintain the issue upon her part, was sworn in her own behalf, and testified that she did not sell Stanley anything, but that she did sell Baugher some cider or grape juice which had been made a week or so, which was not strong enough to make them drunk. On cross-examination she said that the grape juice or cider had been made a couple of weeks; that Stanley was drunk when he came there and she was anxious to get rid of him and gave him some of the wine, but that he paid nothing for it; that "if you would drink enough of it, it would make you drunk"; and that Baugher had paid her fifty cents.

Henry Mowbray, another witness introduced on behalf of the defense, testified that it was not intoxicating, and was not fit to drink.

And this being all of the evidence on behalf of the Commonwealth and on behalf of the accused, the Court instructed the jury as is set out in defendant's Bill of Exception No. 2, which is herewith referred to and made part hereof.

Thereupon, after argument of Counsel, and after the jury had rendered the following verdict, to-wit: "We the jury find the defendant, Victoria Davis, guilty as charged in the indictment and impose a fine of fifty dollars," and before judgment thereon by the Court, the accused, by Counsel, moved the Court to set aside the verdict and grant her a new trial upon the ground that said verdict was contrary to the

law and the evidence, which motion the Court overruled and refused to set aside said verdict and grant the accused a new trial and proceeded to enter judgment thereon in accordance with the verdict of the jury; to which ruling and judgment of the Court, the accused by Counsel excepted, and tenders this her first Bill of Exception, and prays that the same may be signed, sealed and enrolled and made a part of the record, which is accordingly done this 15th day of November, 1913, within thirty days from the ending of the term at which said case was tried and such verdict and judgment rendered.

J. N. Haas, Jr. (SEAL.)

law and the evidence, which motion the Court overruled and refused to
set aside said verdict and grant the accused a new trial and proceeded
to enter judgment thereon in accordance with the verdict of the jury;

to which ruling and judgment of the Court, the record by the
appeal, and renders this Bill of Exception, and prays that
and together with the evidence heretofore set out
the same may be signed, sealed and enrolled and made a part of the
record, which is accordingly done this 15th day of November, 1913,
within thirty days from the ending of the term at which said case was
tried and such verdict and judgment rendered.

W. D. Brown

(SEAL)

Know all Men by these Presents,

THAT WE *Victoria Davis and D.C. Davis*

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Five Hundred and no/100* DOLLARS,

to the true payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the *15th* day of *October*

1913, and in the *138* year of the Commonwealth, and we, and each of us hereby waive the benefit of the Homestead exemption as to the obligation of this bond, also any claim or right to discharge any liability to the Commonwealth arising under said bond or by virtue of said office, post, or trust, with Coupons detached from bonds of this State.

The condition of the above obligation is such, That Whereas *the above named Victoria Davis was, on the 15th day of October, 1913 convicted in the Circuit Court of Rockingham County of a misdemeanor on the charge of selling ardent spirits on Sunday, and was thereupon required by the order of the court to give bond as required by the statute in such cases made and provided: Now therefore, if the said Victoria Davis shall not within twelve months from the date of the said last mentioned order, that is to say, from the 15th day of October, 1913, violate any of the provisions of the act of the General Assembly of Virginia approved March 15th 1910, and Constituting Chapter 190 of the General Assembly of Virginia of 1910, then this bond shall be void, otherwise to remain in full force and virtue*

Victoria Davis (Seal.)
D.C. Davis (Seal.)

ROCKINGHAM COUNTY, TO-WIT:

This day *D.C. Davis*

the security *J* in the above bond, personally appeared before *Walter Mout* Clerk of the Circuit Court of Rockingham County, and made oath that *his* property is worth \$ *500.00*

after the payment of *his* debts, and those which *he is* security for and expect *to* to have to pay.

Given under my hand this *15th* day of *October*, 19*13*.

~~A Copy Teste.~~

Walter Mout Clerk.

Clerk.

Known all Men by these Presents,

That We

Richard Davis

of the County of Rockingham

do hereby certify

OCT 15 1913
D. H. LEE MARTZ
CLERK

ROCKINGHAM COUNTY, TO-WIT:

(20)

(20)

(20)

of the County of Rockingham

(20)

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY; VIRGINIA:

Commonwealth of Virginia

vs.

Victoria Davis.

Bill [unclear] # 2 ✓
Upon an indictment for a
misdemeanor.

Be it remembered that upon the trial of this cause, after the evidence set forth in Bill of Exceptions No. 1, which is here referred to and made part hereof, had been heard by the Jury and this being all the evidence introduced by either party, the defendant moved the Court to instruct the jury as follows, to-wit:

Instruction No. 1.

The Court instructs the Jury that in all criminal cases the law requires the guilt of the accused to be established by the evidence beyond a reasonable doubt before a conviction can be had. So in this case, before the accused can be found guilty the Jury must be satisfied beyond reasonable doubt that the defendant is guilty of the offence charged in the indictment. That is, they must be satisfied beyond reasonable doubt that she made a sale on Sunday as charged in the indictment, and that the thing sold was ardent spirits.

Wine or any mixture or liquid which will produce intoxication is ardent spirits within the meaning of the law.

Instruction No. 2.

The Court instructs the Jury that the Law presumes the accused to be innocent until she is proven guilty beyond all reasonable doubt. If there is upon the minds of the Jury, any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit her. Her guilt is not to be inferred, although the facts proven may be consistent wither guilt, but in

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Commonwealth of Virginia

Upon an indictment for a
Misdemeanor.

Victoria Davis.

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wit:

Instruction No. 1.

The law requires the guilt of the accused to be established by the evidence beyond a reasonable doubt before a conviction can be had. So in this case, before the accused can be found guilty the jury must be satisfied beyond reasonable doubt that the defendant is guilty of the offense charged in the indictment. That is, they must be satisfied beyond reasonable doubt that she made a sale on Sunday as charged in the indictment, and that the thing sold was violent spirits. The or any mixture or liquid which will produce intoxication is violent spirits within the meaning of the law.

Instruction No. 2.

The Court instructs the jury that the law presumes the accused to be innocent until she is proven guilty beyond all reasonable doubt. If there is upon the minds of the jury, any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit her. Her guilt is not to be inferred, although the facts proven may be consistent with her guilt, but in

order to convict her they must be inconsistent with her innocence. Mere suspicion or probability of her guilt, however strong, is not sufficient to convict nor is it sufficient, if the greater weight or preponderance of the evidence supports a charge in the indictment, but to warrant her conviction, her guilt must be proven so clearly that there is no reasonable theory consistent with the evidence upon which she can be innocent.

To the giving of which instructions, the Commonwealth by its attorney objected, whereupon the court sustained the objection to Instruction No. 2, and gave Instruction No 1. to which action of the Court in sustaining the objections of the Commonwealth to Instruction No. 2, and ^{to the Court} ~~in refusing~~ ^{give instruction #2} to ~~instruct the Court~~ as prayed for ~~therein~~ by the defendant, the defendant by counsel excepted and therefore prays that this, her second bill of exceptions may be signed, sealed and enrolled as a part of the record, which

is accordingly done this 15th day of November, 1913. *within thirty days from the end of the term at which said case was tried but verdict rendered.*

J. N. Haas, Judge (SEAL)

order to convict her they must be inconsistent with her innocence. Mere suspicion or probability of her guilt, however strong, is not sufficient to convict her. If the evidence or preponderance of the evidence supports a charge in the indictment, but to warrant her conviction, her guilt must be proven so clearly that there is no reasonable theory consistent with the evidence upon which she can be innocent.

Davis

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To the giving of which instructions, the Commonwealth by its attorney objected, whereupon the court sustained the objection to Instruction No. 2, and gave Instruction No. 1, to which section of the Court in sustaining the objections of the Commonwealth to Instruction No. 2, and in refusing to instruct the Court as

cepted and therefore prays that this, her second bill of exceptions may be signed, sealed and enrolled as a part of the record, which

is accordingly done this 10th day of November, 1913. Witness my hand and seal of the Court at Springfield, Massachusetts, this 10th day of November, 1913.

J. A. [Signature]
(SEAL)

VIRGINIA:

*In the Supreme Court of Appeals, held at
the Library Building in the City of
Richmond on Friday the 16th
day of January, 1914.*

The petition of Vic Davis, alias Victoria Davis, for a writ of error and
supersedeas to a judgment rendered by the circuit court of Rockingham County
on the 23rd day of October, 1913, in a prosecution by the Commonwealth against
the said petitioner, for a misdemeanor, the unlawful sale of ardent spirits,
whereby it was considered by the said court that the said Vic Davis, alias
Victoria Davis be fined the sum of fifty dollars and costs, having been mature-
ly considered, and the ^{transcript of the} record of the judgment aforesaid seen and inspected, the
court being of the opinion that the said judgment is plainly right, doth re-
ject said petition and refuse said writ of error and supersedeas, the effect
of which is to affirm the judgment of the said circuit court.

A copy,

Teste:

Stewart Jones

C.C.

VIRGINIA

In the Supreme Court of Appeals held at
the Library Building in the City of
Richmond on Friday
the 12th
day of January, 1914.

The petition of Vio Davis, alias Victoria Davis, for a writ of error and
superiority in a judgment rendered by the circuit court of Rockingham County
on the 23rd day of October, 1913, in a prosecution by the Commonwealth against
the said petitioner, for a misdemeanor, the unlawful sale of ardent spirits,
whereby it was considered by the said court that the said Vio Davis, alias
Victoria Davis, fined the sum of fifty dollars and costs, having been nature-
ly considered and the record of the judgment said seen and inspected, the
court being of the opinion that the said judgment is plainly right, both as to
fact said petition and venue said writ of error and superiorities, the effect
of which is to affirm the judgment of the said circuit court.

A copy

Teste:

C.C.

Wm. H. ...

The Court instructs the Jury that in all criminal cases the law requires the guilt of the accused to be established by the evidence beyond a reasonable *le* doubt before a conviction can be had. So in this case, before the accused can be found guilty the Jury must be satisfied beyond reasonable doubt that the defendant is guilty of the offence charged in the indictment. That is, they must be satisfied ^{*Beyond*} reasonable doubt that she made a sale on Sunday as charged in the indictment, and that the thing sold was ardent spirits.

Wine or any mixture or liquid which will produce intoxication is ardent spirits within the meaning of the law.

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on the 21st — day of September —, in the year 1913, in the said County,

and the said 21st day of September in the year 1913 being Sunday, in Stonewell Magisterial District in said County did unlawfully sell and dispense ardent spirits —

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Ross Stanley + Henry Maubray

.....witness so sworn in open Court and sent to the Grand Jury to give evidence.

.....Clerk.

Commonwealth

vs.

INDICTMENT.

vs. Davis alias Felton
Davis
For Misdemeanor

A TRUE BILL.

Wm. W. Miller
Foreman

Date 13/11

1913

for
for
for

at	1000
Jan	709
Wkly	1470
at	600
	1645
	<u>75484</u>

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 the said Court at its September term, in the year 1903, upon their oaths present that Vic Davis alias Victoria Davis -

on the.....day of....., in the year 1902, ~~in the said County,~~

within the last 12 months and at divers other times within the last 72 months in Stanwell Magistrate District in said County did unlawfully sell by retail ardent spirits without that she having obtained a license as was according to law -

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Bernard M. Daniel

.....witness... sworn in open Court and sent to the Grand Jury to give evidence.

.....Clerk.

Commonwealth

vs. { INDICTMENT.

Vic David alias Victoria
David

For Misdemeanor

A TRUE BILL.

J. E. Miller Foreman.

1.
no Pro
1915 Sil
no Pro.
E. J. [Signature]

Commonwealth of Virginia

COUNTY OF ROCKINGHAM, Va-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

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[Faint, illegible text, likely bleed-through from the reverse side]

Lehas M West

J. B. S. Partridge

Harvey A. Alger

W. H. Willer

John J. Beane

~~Michael W. Long~~

W. J. Sandy

James S. Burgess

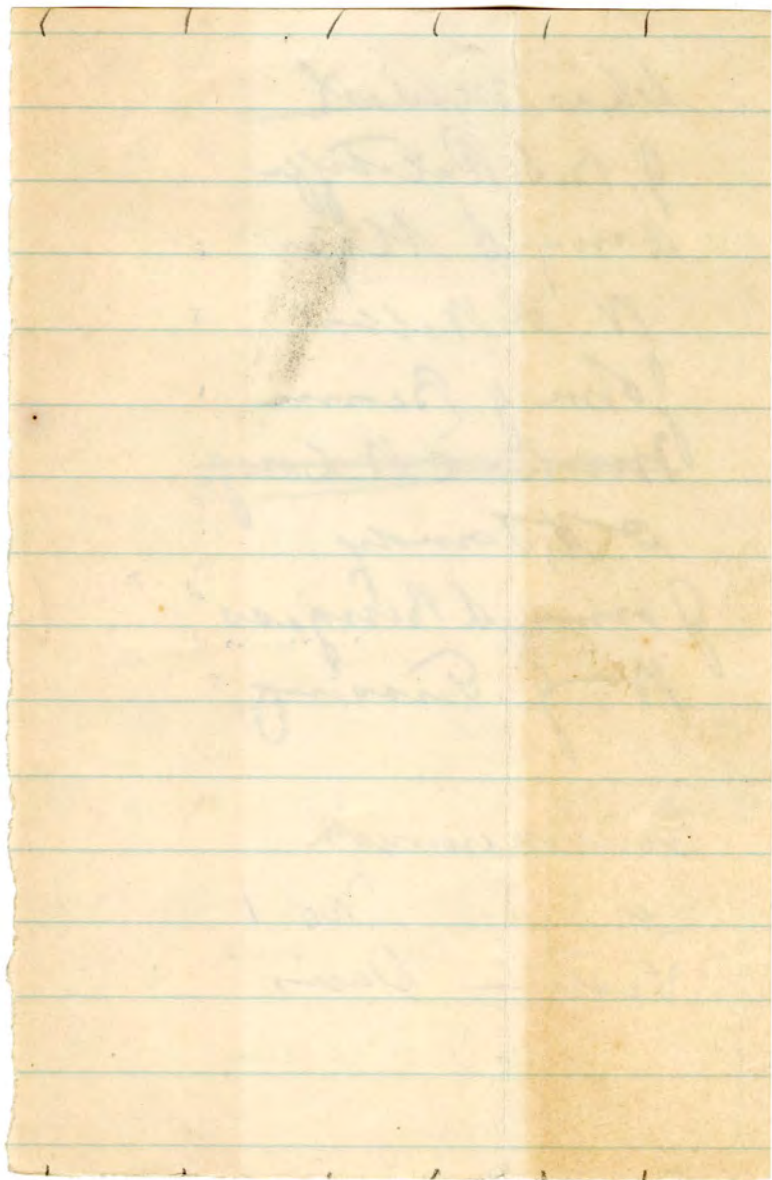
W. J. Fursing

Communion

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No 1

Victoria Davis



We the jury find the
defendant "Vic" Davis alias Victoria Davis
guilty as charged in indictment
and and impose a fine
of fifty dollars (\$50⁰⁰/₁₀₀).

J. B. S. Ratcliff (Foreman)



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 the said Court at its *September* term, in the year 19*03*..,

upon their oaths present that. *Vic Davis alias Nelson Davis -*