

*Mr. Dillard found the evidence not  
sufficient to return a verdict*

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

In the Circuit Court of said County:

The jurors of the Commonwealth in and for the  
body of said County of Rockingham, and now attending said  
Court at its April term, 1923, upon their oaths *do* present  
that S. E. Sipe on or about the 21st day of March, 1923,  
in the said County, did unlawfully hinder and obstruct officers  
E. J. Dillard, W. T. Rexrode, S. F. Newman, and C. D. Fulk, while  
armed with a search warrant to search the premises of the said  
S. E. Sipe for ardent spirits, by barricading a door to the room  
where ardent spirits was stored and by breaking about twelve  
one-half gallon jars, and one five-gallon jug, <sup>containing ardent spirits</sup> thereby  
destroying the ardent spirits contained therein and throwing  
the same out of the window of said room to the ground, against  
the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of  
E. J. Dillard, ~~W. T. Rexrode~~, S. F. Newman, and ~~C. D. Fulk~~,  
witnesses sworn in court and sent before the grand jury to  
give evidence.



We the jury find ~~the~~ accused not  
guilty  
W. C. Wampler Foreman

$$5-6 = 5.$$

Viol Pro Act

Commonwealth

V.  
S. E. Sipe

A Misdemeanor

A True Bill

Barth T. White,  
Foreman

In the Circuit Court of said County:

CONDITIONALITY OF ALGEBRA

COUNTY OF ROCKINGHAM, to-wit:

D. W. Earman,  
Commonwealth's Attorney.



State of Virginia, Rockingham County, towit;

This day came before the undersigned Bail Commissioner  
for Rockingham County S. E. Gipe & Richard Morris

who jointly and severally acknowledged themselves indebted to the  
Commonwealth of Virginia in the sum of \$1000.<sup>00</sup> dollars,  
leviable of their goods and chattels, lands and tenements for the use  
of the Commonwealth rendered, and as to the payment of which they each  
waive their homestead exemption and any right to discharge any liability  
arising to the Commonwealth of Virginia under this recognizance by  
coupons detached from the bonds of this State, the said surety having  
first justified as to sufficiency, under oath.

YET UPON THIS CONDITION, that if the said  
shall appear before the Circuit Court of  
Rockingham County on the first day of the next term thereof, at ten  
o'clock on the morning of said day, at Harrisonburg, Virginia, to  
answer the Commonwealth of Virginia concerning a certain  
of which he stands charged, and shall not depart therefrom without  
leave of said Court, then this obligation to be void, otherwise of  
full force and virtue.

Given under my hand as Bail Commissioner this 21 day of March  
1923.

*W. B. Gipe*

B. C.



State of Virginia, Rockingham County, to-wit:  
 This day came before the undersigned Bail Commissioner  
 for Rockingham County J. E. Duff & Richard Morris  
 who jointly and severally acknowledged themselves indebted to the  
 Commonwealth of Virginia in the sum of \$1000.<sup>00</sup> dollars,  
 leviable of their goods and chattels, lands and tenements for the use  
 of the Commonwealth rendered, and as to the payment of which they each  
 waive their homestead exemption and any right to discharge any liability  
 arising to the Commonwealth of Virginia under this recognizance by  
 coupons detached from the bonds of this State, the said surety having  
 first justified as to sufficiency, under oath.  
 YET UPON THIS CONDITION, that if the said  
 shall appear before the Circuit Court of  
 Rockingham County on the first day of the next term thereof, at ten  
 o'clock on the morning of said day, at Harrisonburg, Virginia, to  
 answer the Commonwealth of Virginia concerning a certain  
 of which he stands charged, and shall not depart therefrom without  
 leave of said Court, then this obligation to be void, otherwise of  
 full force and virtue.  
 Given under my hand as Bail Commissioner this 21 day of March  
 1923.

B. C.

*[Signature]*

*J. E. Duff*

*Bail*



The Court instructs the jury that the destruction or throwing away of any liquor that defendant may have had, in order to prevent its seizure by the officers, is not in itself an act constituting hindrance or obstruction of the officers within the meaning of the statute and ~~there can be no conviction under the~~ the act of defendant in destroying any liquor which he may have had is not to be considered in arriving at a determination of whether or not he is guilty.

Ref.

Make statement of reasons or bill of exceptions

The destruction of the thing searched for must be considered as within the offense described in sec 23 1/2 of the, if it is done after the search has commenced or in the presence of the officer.

The evidence relating to the destruction of the liquor, however, is only one part of the evidence of impeding & obstructing, the uncontradicted evidence being that the door was barred & officers had to force it open, and, in any event, the evidence concerning the destruction is proper to be considered along with the evidence as to the door being barred, and the statement of the accused when the door was forced - "now what have you got" - in determining whether or not the door actually

was barred by the accused with the purpose of impeding and obstructing the officers in their search.



Com

A.E. Miles

Instruction for  
Dept. Prof.



Circuit Term 1923

S.E.SIPE

ads

Indictment for a  
Misdemeanor

#2

COMMONWEALTH

Sheriff Cents

J. Pauling Jones \$1.50



