

We the jury find the accused not guilty
G. F. Solinger

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:
In the Circuit Court of Rockingham County:

The grand jurors in and for the body of said county
of Rockingham and now attending said court at its October

D. W. Berman
Commonwealth's Attorney

vs.
Emery Fansler
Indictment
for ardent spirits, against the peace and dignity of the
Commonwealth of Virginia.
Transport, dispense, solicit, advise and receive orders
sell, offer, keep, store and expose for sale, give away,
in the said county of Rockingham, did unlawfully manufacture
within one year prior to the finding of this indictment
Emery Fansler, do present that Emery Fansler
A True Bill
D. B. Baker
Foreman
Misdemeanor

Commonwealth

October Term, 1920.

Jury to give evidence.
Sheriff, witnesses sworn in court and sent before the Grand
Jury, D. S. A. S. Runion, Constable, and W. L. Dillard,
This indictment is found on the testimony of G. R.

Noting the license to keep jury at 10
exp. 10/1/20

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County:

The grand jurors in and for the body of said county of Rockingham and now attending said court at its October Term, 1920, upon their oaths, do present that Emery Fansler within one year next prior to the finding of this indictment, in the said county of Rockingham, did unlawfully manufacture, sell, offer, keep, store and expose for sale, give away, transport, dispense, solicit, advertise and receive orders for ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

October Term, 1920.

Commonwealth

Commonwealth, Appointed

This indictment is found on the testimony of C. R. Fawley, D.S., A. S. Runion, Constable, and W. L. Dillard, Sheriff, witnesses sworn in court and sent before the Grand Jury to give evidence.

Commonwealth

v.

Emery Fansler

)
) Instruction No. _____

The court instructs the jury that the failure of the accused to exercise his legal right to be sworn and testify as a witness in this case shall create no presumption against him.

witness in this case shall create no presumption against him,
the accused be exercise his legal right to be sworn and testify as a
The court instructs the jury that the failure of

Henry Frazier

v.

Instruction No. _____

Commonwealth

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon

to appear before the Judge of the Circuit Court of Rockingham County, at the Court-House, on the
..... day of..... Term next, to show cause why..... should

not be fined and attached for failing to attend at the..... Term, 191....., of
the aforesaid Court, as witness , duly summoned on behalf of.....,

in the suit at law of..... Plaintiff vs.

Defendant.....,

And have then and there this Writ. Witness..... Clerk of our said
Court, at the Court-House, the..... day of..... 191....., and in the
year of the Commonwealth.

....., Clerk.

Learn

MS

Samuel Parker

A. J. Kottwiler

Z. C. Hutter

R. J. Miller

W. J. Nichol

~~W. J. B. B. B.~~

W. J. Bowers

W. J. Parker

W. J. Parker

~~S. A. Parker~~

Commonwealth v. Emery Fansler

Revised

Instruction No. _____

The court instructs the jury that it is not incumbent upon the accused to prove his innocence. The law regards him as innocent until his guilt may have been established by evidence that would exclude every reasonable doubt of guilt.

Commonwealth v. Emery Fansler

Revised

Instruction No. _____

The court instructs the jury that if you should believe from the evidence that it is just as probable (or reasonably possible) that some other person was guilty of the offense charged as that it was the accused, then you must acquit him, even though you may believe from the evidence that the probabilities of his guilt are greater than the probabilities of his innocence

Hutzel v. Commonwealth. 101 S.E. 785 (Va. Jan. 1920)

2/12

2000

*11/11/20
11/11/20
11/11/20
11/11/20*

In Re Petition of _____

_____ 4.4

to admit

as later

now child

Revised

Form -
58-

The court instructs the jury that if
you believe from the evidence that it is just as probable (or
more probable) that some other person was guilty of the offense
charged as that it was the accused, then you must acquit him, even
though you may believe from the evidence that the probability of his
guilt was greater than the probability of his innocence.

Waller v. Waller, 101 U.S. 725 (Val. Term, 1839)

30
4
120
130
148

1
20
50
120
148

COMMONWEALTH OF VIRGINIA, }
ROCKINGHAM COUNTY, } TO-WIT:

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

WHEREAS, C.R. Fawley 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

Emory Fansler
of the said county, on the day of April 1920, in the said county, did
unlawfully manufacture, sell, offer, keep, and expose for sale, give
away, dispense, solicit, advertise and receive orders for 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

Emory Fansler
to answer the said complaint, and to be farther 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 22 day of April , in the year 191.....

J.C. Cooper J. P. [SEAL.]

Commonwealth

v.s.

Arrest Warrant.

Emory Fausler

Executed the within warrant
by arresting and delivering the
body of Emory Fausler
before J. J. Ansbright
a Justice of Rockingham County
and by summoning the within
named witnesses in person, this

23 day of April 1920

Chas. R. Dancy, Jr.
Constable of Rockingham County.
Do the Dilled for

Commonwealth of Virginia
Rockingham County, Va.
The said Emory Fausler being brought before me
as the return on this warrant indicates and he
admitting the preliminary hearing is hereby committed
to the jail of this county to await the action of the
Grand Jury. Given under my hand this 23rd day of April
1920
J. J. Ansbright, J.P.

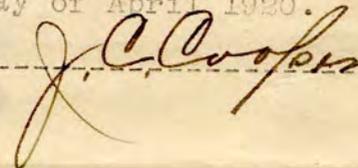
Commonwealth of Virginia, County of Rockingha to-wit:

To the Sheriff, and all or any one of the Constables of said County:

Whereas, C.R.Fawley of said County has this day made complaint and information on oath before me, J.C.Cooper, a Justice of the said County, that he has good cause to believe, and does believe, Emory Fansler has in his possession in said County, ardent spirits which he has manufactured, and which he is selling, and unlawfully disposing of in other ways, And that the said C.R.Fawley, has good cause to believe, and does believe, that the said ardent spirits are in the dwelling house, barn or other out buildings, of the said Emory Fansler, in said County, and being satisfied that there is reasonable cause for such belief:

These are, therefore, in the name of the Commonwealth of Virginia, to command you, with necessary and proper assistance, to enter in the day time the dwelling house, barn or other out buildings, and there diligently to search for said ardent spirits or any Still used in the manufacture of the same, and if any portion thereof shall be found upon such search, that you bring the same, and also the body of the said Emory Fansler before me or some other Justice of the said County, to be disposed of and dealt with according to law.

Given under my hand and seal this 22 day of April 1920.

 J.P. (seal)

Executed April 28-1920
By searching in the day time for the residence &
out buildings of the said Emory Jacobs, & finding
there in there one half gal. of Pure Spirits in
dwelling house of said Emory Jacobs.

Chas R Sawyer D.D.
For W. P. Dullard, D.P.C.

Search Warrant

We the jury find the defendant not guilty
G. F. Plunger. foreman

The first part of the report
is on the subject of

Ex Virginia, Rockingham County, towit;

Be it remembered that this day Emory Faulster and C.L. Gels ^(the court was of Gels, vs) came before me, H. W. Bertram Bail Commissioner for Rockingham County, and severally and respectively acknowledged themselves indebted to the Commonwealth of Virginia in the sum of \$ 500⁰⁰, that is to say the said Emory Faulster as principal in said sum of \$ 500⁰⁰ and the said C.L. Gels and J. M. Gels jointly & severally as sureties in said sum of \$ 500⁰⁰, said sureties having justified as to their sufficiency, to be levied of their respective goods and chattels, lands and tenements for the use of the Commonwealth rendered, at the same time waiving their Homestead Exemptions as to this obligation, and all claim or right to discharge any liability arising to the Commonwealth under this recognizance, with coupons detached from the bonds of this State:

YET UPON THIS CONDITION, that if the said Emory Faulster shall personally appear before the Circuit Court of Rockingham County ~~at~~ on the first day of the next term thereof, it being the 21 day of June 1920, then and there to answer the Commonwealth of Virginia for and concerning a certain misdemeanor of which he stands charged and shall not depart therefrom without leave of said court, then this recognizance shall be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me this 26 day of April 1920

H. W. Bertram Bail Commissioner

The foregoing recognizance is certified to the Clerk of the Circuit Court of Rockingham County.

H. W. Bertram B.C.

in Virginia, Rockingham County, to wit:

as it remembered that this day Burney Fowler and C. L.

of the County of Rockingham, State of Virginia came before me, H. W. Bortman, Clerk of the

Court of Rockingham County, and severally and respectively acknowl-

edged themselves indebted to the Commonwealth of Virginia in the sum

of \$500.00, that is to say the said Burney Fowler

as principal in said sum of \$500.00 and the said C. L. Fowler

as surety in said sum of \$500.00, and having justified as to their

obligation, to be levied of their respective goods and chattels, lands

and tenements for the use of the Commonwealth rendered, at the same

time waiving their Homestead Exemptions as to this obligation, and all

claim or right to discharge any liability arising to the Commonwealth

under this recognizance, with coupons detached from the bonds of this

State: YET UPON THIS CONDITION, that if the said Burney Fowler

shall personally appear before the Circuit

Court of Rockingham County next on the first day of the next term

thereof, it being the 21 day of June 1930, then and there to

answer the Commonwealth of Virginia for and concerning a certain

of which he stands charged and shall not depart therefrom without

leave of said court, then this recognizance shall be void, otherwise

to remain in full force and virtue.

Taken and acknowledged before me this 21 day of April 1930

H. W. Bortman Clerk of the Circuit

The foregoing recognizance is certified to the Clerk of the Circuit

Court of Rockingham County. H. W. Bortman C. C.

Granted

Refused

Commonwealth

v.

Instruction No. _____

Emery Fansler

The court instructs the jury that although they may believe from the evidence that there was found in the home of the defendant beverages analyzing a percent of alcohol in excess of that allowed by law, in quantities in excess of those allowed by law, yet if they still further believe from the evidence that such beverages were not ~~made~~ kept for the purposes of sale they should find the defendant not guilty. The court further instructs the jury that if they have any reasonable doubt as to whether the said beverages were made or kept for sale they should find the defendant not guilty.

~~Neale v. Campbell~~)

~~93 S.E. 629 (Va. Mar. 1919)~~

BERKSHIRE BOND

U.S.A.

Handwritten signature

Handwritten signature

Commonwealth
v.
Henry Kissler

Instruction No. _____

The court instructs the jury that although

the jury believe that there was found in the case
of the defendant beverages containing a percent of alcohol in excess
of that allowed by law, in quantities in excess of those allowed by
law, but if they still further believe from the evidence that such
beverages were not ~~kept~~ kept for the purposes of sale they should
find the defendant not guilty. The court further instructs the jury
that if they have any reasonable doubt as to whether the said beverages
were made or kept for sale they should find the defendant not guilty.

Justice R. [unclear]

U.S. [unclear]

BERNARD H. BROWN
U.S.A.





637.34