

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 Circuit Court of said county, <sup>at its January term, 1917,</sup> UPON THEIR OATHS PRESENT, that R.L. Stultz in the said County, did heretofore since the 1st day of November, 1916, to-wit, on the 21st day of December, 1916, unlawfully receive and accept delivery of ardent spirits from the Southern Express Company, a corporation and a common carrier, in this, that on the said 21st day of December, 1916, he, the said R.L. Stultz, against the form of the statute, received and accepted delivery of one quart of whiskey from the said Southern Express Company, at its office in the City of Harrisonburg, in the County aforesaid, having within a period of thirty days prior thereto to-wit, on November 24, 1916, received and accepted delivery of a certain other quart of whiskey from the same carrier at the same place, both of the said deliveries being of whiskey consigned to the said R.L. Stultz and transported by the said Southern Express Company,

against the peace and dignity of the Commonwealth of Virginia.

~~AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that~~

~~against the peace and dignity of the Commonwealth of Virginia.~~

This indictment is found on the testimony of \_\_\_\_\_

\_\_\_\_\_,  
witnesses sworn in Court and sent before the Grand Jury to give evidence.

We the jury find the accused R. L. Stultz  
guilty as charged in the indictment and fix  
his punishment at a fine of \$50.00 and confinement  
in jail for one month. J B Dumborez  
Foreman.

January term, 1917.

Thirty day violation.

COMMONWEALTH  
vs. Indictment

R. L. Stultz.

---

~~For Felony~~  
For Misdemeanor

---

A TRUE BILL

G. R. Lathams.  
Foreman

Harry M. Strickler,  
Commonwealth's Attorney.

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 Circuit Court of said county, <sup>at its Jan. term 1917</sup> UPON THEIR OATHS PRESENT, that R. L. Stultze since Nov. 1, 1916, in said County, did unlawfully receive within a period of thirty days, ardent spirits in excess of that allowed by law, namely; one quart of whiskey on Nov. 24, 1916, and one quart of whiskey on Dec. 21, 1916, in violation of the prohibition law,

against the peace and dignity of the Commonwealth of Virginia.

~~AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that~~

~~against the peace and dignity of the Commonwealth of Virginia.~~

This indictment is found on the testimony of \_\_\_\_\_

\_\_\_\_\_,  
witnesses sworn in Court and sent before the Grand Jury to give evidence.

Jan. term 1917.  
30 day violation.

**COMMONWEALTH**  
vs. **Indictment**

R.L. Stultz.

~~For Felony~~  
**For Misdemeanor**

**A TRUE BILL**

*[Handwritten Signature]*  
**G. R. Eastham**  
Foreman

*Copies*

*Sec. 1, 40, 61, 60  
Clark's Case, 6 Gr.  
W.S. v. Luffkin, 3 West. 96.  
Sec. 39, 17*

Harry M. Strickler  
Com. Atty.

*Strickler v. Thompson, 27 Gr.  
Com. v. Hill, 5 Gr. 683*

*C.M. Stultz, Jan 30*

*Commonwealth of Virginia,  
County of Henningham, to-wit:*

Commonwealth )  
                  ) )  
                  ) vs.            )        On an Indictment for a Misdemeanor.  
                  ) )  
R.L.Stultz.     ) )

Be it remembered that upon the trial of this cause the Commonwealth to maintain the issue on its part introduced W.C.Gaither, who testified in chief:

That he is the agent at Harrisonburg, Va., of the Southern Express Company, a common carrier, and was such agent at the time of the occurrences hereinafter mentioned: that R.L.Stultz on November 24, 1916, called at the office of said Southern Express Company in the City of Harrisonburg, and asked if there was a package of whiskey there for him from Washington, D.C.: that, upon being advised that there was, said R.L.Stultz receipted for the same by signing the Company's record book, and then made the following affidavit, which was printed on back of express special liquor record.

"AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE  
STATE OF VIRGINIA,  
COUNTY OF Rockingham

I, R.L.Stultz, being duly sworn, depose and say that I am the consignee of a certain shipment of ardent spirits, as specified on other side of this form, this day delivered to me by the Southern Express Company, from Washington; that I am not a student or minor, and, if a female, I am the head of a family; that the ardent spirits so received by me were brought into the State on my written order, and that I have not, within the thirty days previous hereto, received any ardent spirits of any kind whatsoever, from any person or from any place whatso-

On an indictment for a misdemeanor.

Commonwealth  
vs.  
R.L. Statz.

Be it remembered that upon the trial of this  
cause the Commonwealth to maintain the issue on its part in-  
produced W.C. Gaither, who testified in chief:

That he is the agent at Harrisonburg, Va., of the Southern  
Express Company, a common carrier, and was such agent at the  
time of the occurrences hereinafter mentioned: that R.L. Statz  
on November 24, 1916, called at the office of said Southern  
Express Company in the City of Harrisonburg, and asked if there  
was a package of whiskey there for him from Washington, D.C.:  
that, upon being advised that there was, said R.L. Statz received  
for the same by signing the Company's record book, and then  
made the following affidavit, which was printed on back of  
express special liquor record.

"AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE

STATE OF VIRGINIA,  
COUNTY OF ROCKINGHAM

I, R.L. Statz, being duly sworn, depose and say that I  
am the consignee of a certain shipment of ardent spirits, as  
specified on other side of this form, this day delivered to  
me by the Southern Express Company, from Washington; that I  
am not a student or minor, and, if a female, I am the head of a  
family; that the ardent spirits so received by me were brought  
into the State on my written order, and that I have not, within  
the thirty days previous hereto, received any ardent spirits of  
any kind whatsoever, from any person or from any place whatso-

ever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

(Signed) R.L. Stultz,  
Consignee.

Sworn to and subscribed before me,  
this 24 day of Nov, 1916.

(Signed) W.C. Gaither  
Agent for Southern Express Company."

FORM 370-VA. " SOUTHERN EXPRESS COMPANY  
(Incorporated)

SPECIAL LIQUOR RECORD

Received at Harrisonburg Va. Date Nov. 24 191 191 Affidavit No. 119  
Consignee R.L. Stultz  
Kind of Ardent Spirits whisky Amount 1 qt Weight lbs.  
Way-Bill No. 437 Date Nov. 23/16. 191 191 From Washington, D C.

| To                    | Advances to | EXPRESS CHARGES |         | Add |
|-----------------------|-------------|-----------------|---------|-----|
|                       |             | PREPAID         | COLLECT |     |
| Shipper <u>Conrad</u> | ( )         | ( )             | ( )     | 28  |
| <u>Page Co.</u>       | ( )         | ( )             | ( )     |     |

RECORD OF NOTICES

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.

# 49 Moore

(OVER)"

That said Stultz paid the express charges, received the package and departed with it.

That, on December 21, 1916, the said Stultz again appeared at the office and again asked if there was a package of whiskey there for him from Hagerstown, Md., and upon being advised that

ever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

(Signed) R.L. Stultz  
 Consignee.

Sworn to and subscribed before me, this 24 day of Nov, 1916.

(Signed) W.C. Gaither  
 Agent for Southern Express Company."

"SOUTHERN EXPRESS COMPANY  
 (Incorporated)  
 SPECIAL LIQUOR RECORD

Received at Harrisonburg Va. Date Nov. 24 1916 Affidavit No. 119

Consignee \_\_\_\_\_ R.L. Stultz  
 Kind of Ardent Spirits \_\_\_\_\_ whisky  
 Amount \_\_\_\_\_ lbs  
 Weight \_\_\_\_\_ lbs  
 Way-Bill No. 437 Date Nov. 23/16. 1916 From Washington, D. C.

|                                     |                     |  |  |  |    |
|-------------------------------------|---------------------|--|--|--|----|
| To<br>Shipper<br>Gorrad<br>Page Co. | Advances to Collect |  |  |  |    |
|                                     | EXPRESS CHARGES     |  |  |  |    |
| Undercharge                         | PREPAID             |  |  |  |    |
|                                     | COLLECT             |  |  |  | 28 |

RECORD OF NOTICES

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.

43 Moore

(OVER)

That said Stultz paid the express charges, received the package and departed with it.  
 That, on December 21, 1916, the said Stultz again appeared at the office and again asked if there was a package of whiskey there for him from Hagerstown, Md., and upon being advised that



there was, he signed the Express Record Book and made the following affidavit, which was written on the back of the express Special Liquor Record.

"AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE

STATE OF VIRGINIA,

COUNTY OF Rockingham.

I, R.L.Stultz, being duly sworn, depose and say that I am the consignee of a certain shipment of ardent spirits, as specified on other side of this form, this day delivered to me by the Southern Express Company, from Hagerstown; that I am not a student or minor, and, if a female, I am the head of a family; that the ardent spirits so received by me were brought into the State on my written order, and that I have not, within the thirty days previous hereto, received any ardent spirits of any kind whatsoever, from any person or from any place whatsoever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

(Signed) R.L.Stultz. Consignee.

Sworn to and subscribed before me,  
this 21 day of Dec, 1916.

(Signed) W.C.Gaither  
Agent for Southern Express Company. "

FORM 370-VA.

"SOUTHERN EXPRESS COMPANY

(Incorporated)

SPECIAL LIQUOR RECORD

Received at Harrisonburg Va. Date 12/21 1916 Affidavit  
No. 140

Consignee R.L.Stultz

there was, he signed the Express Record Book and made the following affidavit, which was written on the back of the Express Special Liquor Record.

"AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE"

STATE OF VIRGINIA,

County of Rockingham.

I, R.L. Stultz, being duly sworn, depose and say

that I am the consignee of a certain shipment of ardent spirits, as specified on other side of this form, this day delivered to me by the Southern Express Company, from Hagerstown; that I am not a student or minor, and, if a female, I am the head of a family; that the ardent spirits so received by me were brought into the State on my written order, and that I have not within the thirty days previous hereto, received any ardent spirits of any kind whatsoever, from any person or from any place whatsoever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

(Signed) R.L. Stultz,  
Consignee.

Sworn to and subscribed before me,

this 21 day of Dec, 1916.

(Signed) W.O. Gaither  
Agent for Southern Express Company."

"SOUTHERN EXPRESS COMPANY"

FORM 370-VA.

(Incorporated)

SPECIAL LIQUOR RECORD

Received at Harrisonburg Va. Date 12/21/1916 Affidavit  
No. 140

R.L. Stultz Consignee

Kind of Ardent Spirits whis y Amount 1 qt Weight 4 lbs.  
Way-Bill No. 307 Date 12/21 1911 From Hagerstown Md

|                            |               |                   |               |
|----------------------------|---------------|-------------------|---------------|
| To _____                   | { Advances to | { EXPRESS CHARGES | { Add         |
| Shipper <u>Moore &amp;</u> | { Collect     | { PREPAID         | { Undercharge |
| <u>Earnshaw</u>            | { }           | { }               | { }           |
|                            | { }           | { 28              | { }           |
|                            | { }           | { }               | { }           |

RECORD OF NOTICES

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.

# 49 Sticley  
(OVER)"

That the said Stultz paid the Express charges, received the package and departed with it: that, on each of said occasions there was a quart of whiskey for said Stultz at the express office, which was shipped in the first instance from Washington, D.C., and in the second, from the City of Hagerstown, in the State of Maryland, to the said Stultz as consignee in the City of Harrisonburg: that same were transported by the Southern Express Company, a Common carrier; that each of said packages was labeled one quart of whiskey and was in a carton about twelve inches long by four inches wide, such cartons as are regularly used in the shipment of whiskey.

On cross-examination, the witness testified that he did not open the packages, or examine the contents of the packages, or either of them, that they were sealed when received and he did not break the seals, and did not know from actual personal knowledge what the contents were. The packages were labeled whiskey with large letters as the law requires and were carried by the Company as whiskey, one quart each, and Stultz inquired for whiskey and receipted for it as whiskey.

Way-Bill No. 307 Date 12/21 1911 From Hagerstown Md Kind of Ardent Spirits Whisky Amount 1 qt Weight 4 lbs.

|    |         |            |         |                  |                 |               |
|----|---------|------------|---------|------------------|-----------------|---------------|
| To | Shipper | Moore &    | Collect | FRANK D. COLLECT | EXPRESS CHARGES | Add           |
|    |         | Hagerstown |         | 28               |                 | (Undercharge) |

RECORD OF NOTICES

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

ATTIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.

49 Stiles

(OWNER)

That the said Stiles said the express charges, received the package and departed with it: that, on each of said occasions there was a quart of whisky for said Stiles at the express office, which was shipped in the first instance from Washington, D.C., and in the second, from the City of Hagerstown, in the State of Maryland, to the said Stiles as consignee in the City of Harrisonburg: that same were transported by the Southern Express Company, a common carrier; that each of said packages was labeled one quart of whisky and was in a carton about twelve inches long by four inches wide, such cartons as are regularly used in the shipment of whisky.

On cross-examination, the witness testified that he did not open the packages, or examine the contents of the packages, or either of them, that they were sealed when received and he did not break the seals, and did not know from actual personal knowledge what the contents were. The packages were labeled whisky with large letters as the law requires and were carried by the Company as whisky, one quart each, and Stiles inquired for whisky and received for it as whisky.

And this being all of the evidence introduced or offered by the Commonwealth, and no evidence at all having been offered on behalf of the accused, the case was submitted to the jury, which, after hearing argument of counsel, retired to its room to consider of its verdict, and, after a while, returned into court and rendered the following verdict:

"We, the jury, find the accused, R.L.Stultz, guilty as charged in the indictment, and fix his punishment at a fine of \$50.00 and confinement in jail for one month.

(Signed) J.B.Dundore, Foreman."

Whereupon, the defendant, by counsel, moved the Court to set aside the verdict as contrary to the law and the evidence and grant him a new trial, ~~which motion~~ <sup>but</sup> the Court overruled ~~and entered the following judgment, to-wit:~~ <sup>said</sup> ~~him in accordance with said verdict of the jury~~

This day came the attorney for the Commonwealth and the accused, R.L.Stultz, <sup>pursuant to his recognizance (?)</sup> in the custody of the Sheriff of this County, and thereupon came a jury, to-wit; Jos. M. Mason, J.B. Dundore, W.O.Meyers, D.N.Flick, C.R.Knicely, A.M.Spitzer, Jr., and C.G.Price, who being elected, tried and found to be duly qualified were sworn to well and truly try and true deliverance make between the Commonwealth and the accused, and a true verdict render according to the evidence, and having heard the evidence were sent out of Court to consider of their verdict, and after some time returned and on their oaths do say, "We, the jury, find the accused, R.L.Stultz, guilty as charged in the indictment, and fix his punishment at a fine of \$50.00 and confinement in jail for one month. (Signed) J.B.Dundore, Foreman."

Whereupon the accused moved the Court to set aside the verdict as contrary to the law and the evidence and to grant him a new trial, which motion the Court overruled, and to which action of the Court in overruling said motion and refusing to

And this being all of the evidence introduced or offered by the Commonwealth, and no evidence at all having been offered on behalf of the accused, the case was submitted to the jury, which after hearing argument of counsel, retired to its room to consider of its verdict, and, after a while, returned into court and rendered the following verdict:

"We, the jury, find the accused, R.L. Stultz, guilty as charged in the indictment, and fix his punishment at a fine of \$50.00 and confinement in jail for one month."  
(Signed) J.B. Dundore, Foreman."

Whereupon, the defendant, by counsel, moved the Court to set aside the verdict as contrary to the law and the evidence and grant him a new trial. ~~the Court overruled~~ ~~the motion of the defendant and gave judgment against~~ ~~him in accordance with the verdict of the jury~~

This day came the attorney for the Commonwealth and the accused, R.L. Stultz, in the custody of the Sheriff of this County, and thereupon came a jury, to-wit: Jos. M. Mason, J.B. Dundore, W.O. Meyers, D.H. Wicker, C.R. Knickerly, A.M. Spitzer, Jr., and C.G. Price, who being elected, tried and found to be duly qualified were sworn to well and truly try and true deliverance make between the Commonwealth and the accused, and a true verdict render according to the evidence, and having heard the evidence were sent out of Court to consider of their verdict, and after some time returned and on their oaths do say, "We, the jury, find the accused, R.L. Stultz, guilty as charged in the indictment, and fix his punishment at a fine of \$50.00 and confinement in jail for one month." (Signed) J.B. Dundore, Foreman."

Whereupon the accused moved the Court to set aside the verdict as contrary to the law and the evidence and to grant him a new trial, which motion the Court overruled, and to which action of the Court in overruling said motion and refusing to

grant him a new trial, the accused by counsel excepted:

Whereupon it is considered by the Court that the Commonwealth recover against R.L.Stultz \$50.00, the fine assessed by the jury in their verdict, and the costs of this prosecution, and that the said R.L.Stultz be imprisoned in the jail of this County for the term of one month, and afterwards until said fine and costs be paid, and on motion of the accused for time in which to apply to the Supreme Court of Appeals for a writ of error, etc., the Court doth admit him to bail in the sum of \$500.00 for his appearance on February 12, 1917; whereupon the said R.L.Stultz, together with C.M.Stultz, his surety, who, justified as to his sufficiency, appeared in Court and entered into and acknowledged a bond in the penalty of \$500.00 payable and conditioned as the law provides for the appearance of the said R.L.Stultz before this Court on the 12th day of February, 1917.

*And to the*  
~~which~~ action of the Court in so overruling the said motion of the said defendant to set aside said verdict and grant him a new trial, and in so ~~entering~~ <sup>giving</sup> said judgment, the defendant, by counsel, excepted, and prays that this his Bill of Exception <sup>no. 1.</sup> be signed, sealed and enrolled and made of the record in this cause, which is thereupon accordingly done this 7th day of February, 1917.

J. N. Naas (SEAL).  
Judge.

Be it remembered that upon the trial of this cause after the testimony set forth in "Bill of Exceptions" No. 1 had been introduced, the defendant, by counsel, prayed the Court to grant the following instructions to the jury, to-wit:

The Court instructs the jury that accused is presumed to be innocent.

grants him a new trial, the accused by counsel excepted:  
 Whereupon it is considered by the Court that the Common-  
 wealth recover against R.L. Stutz \$50.00, the fine assessed by  
 the jury in their verdict, and the costs of this prosecution, and  
 that the said R.L. Stutz be imprisoned in the jail of this County  
 for the term of one month, and afterwards until said fine and costs  
 be paid, and on motion of the accused for time in which to apply  
 to the Supreme Court of Appeals for a writ of error, etc., the  
 Court both admit him to bail in the sum of \$500.00 for his appear-  
 ance on February 12, 1917; whereupon the said R.L. Stutz, together  
 with C.M. Stutz, his surety, who, justified as to his sufficiency,  
 appeared in Court and entered into and acknowledged a bond in the  
 penalty of \$500.00 payable and conditioned as the law provides  
 for the appearance of the said R.L. Stutz before this Court on the

12th day of February, 1917.

motion of the said defendant to set aside said verdict and grant  
 him a new trial, and in so entering judgment, the defendant,  
 by counsel, excepted, and prays that this his Bill of Exception may  
 be signed, sealed and enrolled and made of the record in this  
 case, which is thereupon accordingly done this 7th day of  
 February, 1917.

J. J. [Signature]  
 Judge. (SEAL)

Be it remembered that upon the trial of this case after the  
 testimony set forth in "Bill of Exceptions" No. 1 had been  
 introduced, the defendant, by counsel, prayed the Court to grant  
 the following instructions to the jury, to-wit:

The Court instructs the jury that accused is presumed to be  
 innocent.



The Court instructs the jury that the burden is upon the Commonwealth to prove beyond all reasonable doubt that the substance contained in the packages delivered to the defendant was distilled spirits and unless this has been done, the jury must find the defendant not guilty.

The Court instructs the jury that the defendant under the law is entitled to receive not oftener than once each calendar month one quart of distilled liquor, and if the jury believe from the evidence that the defendant in the months of November and December, 1916, did receive but one quart of distilled liquor in each of said months, then the jury will find the defendant not guilty.

The Court instructs the jury that neither the express bill, the affidavit nor the express records, nor all of them combined, are sufficient proof to establish the guilt of the defendant in this case, for the burden rests on the Commonwealth to prove beyond all reasonable doubt that the contents of the packages received by the defendant was distilled spirits.

If the jury shall find the defendant not guilty they will say so, and no more; if they find him guilty they will say so and ascertain his punishment which shall be a fine of not less than \$5.00 or confinement in jail, or both, in the discretion of the jury.

To the granting of which instructions, the Commonwealth by its Attorney objected, which objection to each of said

The Court instructs the jury that the burden is upon the Commonwealth to prove beyond all reasonable doubt that the substance contained in the packages delivered to the defendant was distilled spirits and unless this has been done, the jury must find the defendant not guilty.

The Court instructs the jury that the defendant under the law is entitled to receive not oftener than once each calendar month one quart of distilled liquor, and if the jury believe from the evidence that the defendant in the months of November and December, 1916, did receive but one quart of distilled liquor in each of said months, then the jury will find the defendant not guilty.

The Court instructs the jury that neither the express bill, the affidavit nor the express records, nor all of them combined, are sufficient proof to establish the guilt of the defendant in this case, for the burden rests on the Commonwealth to prove beyond all reasonable doubt that the contents of the packages received by the defendant was distilled spirits.

If the jury shall find the defendant not guilty they will say so, and no more; if they find him guilty they will say so and ascertain his punishment which shall be a fine of not less than \$5.00 or confinement in jail, or both, in the discretion of the jury.

To the granting of which instructions, the Commonwealth by its Attorney objected, which objection to each of said

instructions the Court sustained, to which action of the Court in sustaining said objections to said instructions and to each of them, the defendant by counsel excepted, and prays that this, his Bill of Exception No. 2, may be signed, sealed and enrolled and made a part of the record in this cause, which is accordingly done this 7th day of February, 1917.

J. N. Haas (SEAL).  
Judge.

Be it remembered that upon the trial of this cause the Commonwealth to maintain the issue upon its part, introduced as a witness W.C. Gaither, who testified as set forth in "Bill of Exceptions" No. 1, which is here referred to as a part hereof, and propounded to him the following question.

"Did the defendant on November 24, 1916, make an affidavit before you? If so, produce and read the same to the jury."

Whereupon the defendant by counsel objected to the admission in evidence of the affidavit on the ground that until the Commonwealth had proven the corpus delicti, it was improper to introduce in evidence any admissions of the defendant, which objection the Court overruled and permitted the introduction of said affidavit appearing in "Bill of Exceptions" No. 1, which is here referred to, and to which action of the Court, the defendant by counsel excepted and prays that this his 3d Bill of Exceptions may be signed, sealed and enrolled and made a part of the record in this cause, which is accordingly done this 7th day of February, 1917.

J. N. Haas (SEAL).  
Judge.

instructions the Court sustained, to which action of the Court in sustaining said objections to said instructions and to each of them, the defendant by counsel excepted, and prays that this Bill of Exception No. 2, may be signed, sealed and enrolled and made a part of the record in this case, which is accordingly done this 7th day of February, 1917.

(SEAL)

Judge

Be it remembered that upon the trial of this cause the Commonwealth to maintain the issue upon its part, introduced as a witness W.C. Gaither, who testified as set forth in "Bill of Exceptions" No. 1, which is here referred to as a part hereof, and propounded to him the following question.

"Did the defendant on November 24, 1916, make an affidavit before you? If so, produce and read the same to the jury."

Whereupon the defendant by counsel objected to the admission in evidence of the affidavit on the ground that until the Commonwealth had proven the corpus delicti, it was improper to introduce in evidence any admissions of the defendant, which objection the Court overruled and permitted the introduction of said affidavit appearing in "Bill of Exceptions" No. 1, which is here referred to, and to which action of the Court, the defendant by counsel excepted and prays that this Bill of Exceptions may be signed, sealed and enrolled and made a part of the record in this case, which is accordingly done this 7th day of February, 1917.

(SEAL)

Judge

Be it remembered that upon the trial of this cause the Commonwealth to maintain the issue upon its part, introduced as a witness W.C.Gaither, who testified as set forth in "Bill of Exceptions" No. 1, which is here referred to as a part hereof, and propounded to him the following question.

"Did the defendant on December 21, 1916, make an affidavit before you? If so, produce and read same to the jury."


Whereupon the defendant by counsel objected to the admission in evidence of the affidavit on the ground that until the Commonwealth had proven the corpus delicti, it was improper to introduce in evidence any admissions of the defendant, which objection the Court overruled and permitted the introduction of said affidavit appearing in "Bill of Exceptions" No. 1, which is here referred to, and to which, action of the Court the defendant by counsel excepted, and prays that this his 4th "Bill of Exceptions" may be signed, sealed and enrolled and made a part of the record in this cause, which is accordingly done this 7th day of February, 1917.

J. H. Haas (SEAL).  
Judge.

Be it remembered that upon the trial of this cause the Commonwealth to maintain the issue upon its part, introduced as a witness W.C. Gaither, who testified as set forth in "Bill of Exceptions" No. 1, which is here referred to as a part hereof, and propounded to him the following question.

"Did the defendant on December 21, 1916, make an affidavit before you? If so, produce and read same to the jury."

Whereupon the defendant by counsel objected to the admission in evidence of the affidavit on the ground that until the Commonwealth had proven the corpus delicti, it was improper to introduce in evidence any admissions of the defendant, which objection the Court overruled and permitted the introduction of said affidavit appearing in "Bill of Exceptions" No. 1, which is here referred to, and to which objection of the defendant by counsel excepted, and prays that this his 4th "Bill of Exceptions" may be signed, sealed and enrolled and made a part of the record in this cause, which is accordingly done this 7th day of February, 1917.

  
\_\_\_\_\_  
Judge. (SEAL)

Revised

If the jury shall find the defendant not guilty they will say so, and <sup>no</sup>/more; if they find him guilty they will say so and ascertain his punishment which shall be a fine of not less than \$5.00 or confinement in jail, or both, in the discretion of the jury.

Comr.

R. L. Maltby

Substituted for

Dr. J. C. Cooper

the jury.  
then \$5.00 or confinement in jail or both. in the discretion of  
If the jury shall find the defendant not guilty they  
will say so. If they find him guilty they will say so



Report

The Court instructs the jury that the burden is upon the Commonwealth to prove beyond all reasonable doubt that the substance contained in the packages delivered to the defendant was distilled spirits and unless this has been done, the jury must find the defendant not guilty.

*Page 2*

The Court instructs the jury that the burden is upon the Commonwealth to prove beyond all reasonable doubt that the substance contained in the package delivered to the defendant was a narcotic drug. It is the duty of the jury to determine whether the substance was a narcotic drug and the defendant is not guilty unless the Commonwealth has proved beyond all reasonable doubt that the substance was a narcotic drug.

*Refused*

The Court instructs the jury that the defendant under the law is entitled to receive not oftener than once each calendar month one quart of distilled liquor, and if the jury believe from the evidence that the defendant in the months of November and December, 1916, did receive but one quart of distilled liquor in each of said months, then the jury will find the defendant not guilty.

Reference

The Court instructs the jury that the defendant is  
not the law is entitled to receive not attorney fees and costs  
under and recover, also, disbursements and any amount of disburse-  
ments in each of said months, then the jury will find the de-  
fendant not guilty.

Revised

The Court instructs the jury that neither the express bill, the affidavit nor the express records, nor all of them combined, are insufficient proof to establish the guilt of the defendant in this case, for the burden rests on the Commonwealth to prove beyond all reasonable doubt that the contents of the packages received by the defendant was distilled spirits.

Report

The Court instructs the jury that neither the ex-  
press bill, the affidavit nor the express records, nor all of  
them combined, are sufficient proof to establish the guilt of  
the defendant in this case, for the burden rests on the Govern-  
ment to prove beyond all reasonable doubt that the contents of  
the packages received by the defendant was distilled spirits.

~~Revised~~

The Court instructs the jury that accused is presumed  
to be innocent.

The Court instructs the jury that accused is presumed

to be innocent.

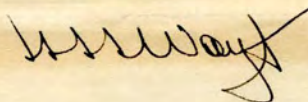
*Revised*



February 12, 1917.

This is to certify that on a petition of R. L. Stultz, one of the Judges of the Supreme Court of Appeals of Virginia has allowed a writ of error and supersedeas to a judgment of the Circuit Court of Rockingham County, pronounced on the second day of February, 1917, in the cause then therein pending of the Commonwealth of Virginia v. R. L. Stultz, provided the petitioner, or some one for him, shall enter into bond in the said Clerk's office, of good security, in the penalty of One Hundred Dollars, conditioned as the law directs.

Teste:

 Clerk.

To the Clerk of the Circuit Court of Rockingham County:

February 12, 1917.

This is to certify that on a petition of R. L. Stultz,

one of the Judges of the Supreme Court of Appeals of Virginia  
has allowed a writ of error and supersedeas to a judgment of the  
Circuit Court of Rockingham County, pronounced on the second day  
of February, 1917, in the cause then therein pending of the Com-  
monwealth of Virginia v. R. L. Stultz, provided the petitioner,  
some one for him, shall enter into bond in the said Clerk's  
office of good security, in the penalty of One Hundred Dollars,  
conditioned as the law directs.

*Law*  
*ns*  
*Per R. Stultz*

Teste:

*W. H. ...*  
Clerk.

To the Clerk of the Circuit Court of Rockingham County:

January 31, 1917

Mayor John H. Downing,  
Harrisonburg, Virginia.

Dear Sir:-

The sample (Specimen No. 2) submitted today for chemical analysis to determine whether it contains alcohol and, if so, how much, was given the usual qualitative and quantitative examinations and showed ethyl alcohol present to the extent of 22.95 per cent.

Very respectfully,

*James C. Johnston*  
Instructor in Chemistry,

State Normal School,

Harrisonburg, Virginia.

Report of Chemical Analysis.

January 21, 1917

Major John H. Downing,  
Harrisonburg, Virginia.

Dear Sir:-

The sample (Specimen No. 2) submitted today for  
chemical analysis to determine whether it contains alcohol and  
if so, how much, was given the usual qualitative and quanti-  
tative examinations and showed ethyl alcohol present to the ex-  
tent of 22.94 per cent.

Very respectfully,

*James C. Johnston*

State Normal School,  
Harrisonburg, Virginia.

Report of Chemical Analysis.

FORM 370-VA.

**SOUTHERN EXPRESS COMPANY**  
(Incorporated)

**SPECIAL LIQUOR RECORD**

Received at Harrisonburg Va. Date Nov. 24 191\_\_ Affidavit No. 119

Consignee R. L. Stultz

Kind of Ardent Spirits whisky Amount 1qt Weight \_\_\_\_\_ lbs.

Way-Bill No. 437 Date Nov. 23/16. 191\_\_ From Washington, DC.

To \_\_\_\_\_

Shipper Conrad Page Co

| Advances to Collect | EXPRESS CHARGES |         | Add Undercharge |
|---------------------|-----------------|---------|-----------------|
|                     | PREPAID         | COLLECT |                 |
|                     |                 |         | 28              |

**RECORD OF NOTICES**

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

**AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.**

#49 Moore

(OVER)

**AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE**

STATE OF VIRGINIA,

COUNTY OF Rockingham

I, R. I. Stubby, being duly sworn, depose and say that I am the consignee of a certain shipment of ardent spirits, as specified on other side of this form, this day delivered to me by the Southern Express Company, from Washington; that I am not a student or minor, and, if a female, I am the head of a family; that the ardent spirits so received by me were brought into the State on my written order, and that I have not, within the thirty days previous hereto, received any ardent spirits of any kind whatsoever, from any person or from any place whatsoever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

R. I. Stubby  
Consignee.

Sworn to and subscribed before me,

this 24 day of Nov, 1916.

W. C. Gardner  
Agent for Southern Express Company.

**AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE**

STATE OF VIRGINIA,

COUNTY OF Rodolph

I, R. L. Stully, being duly sworn, depose and say that I am the consignee of a certain shipment of ardent spirits, as specified on other side of this form, this day

delivered to me by the Southern Express Company, from Hagerstown; that I am not a student or minor, and, if a female, I am the head of a family; that the ardent spirits so received by me were brought into the State on my written order, and that I have not, within the thirty days previous hereto, received any ardent spirits of any kind whatsoever, from any person or from any place whatsoever, in excess of the quantity allowed by the provisions of the Act of the General Assembly of Virginia, approved March 10, 1916, or contrary to law, and that the ardent spirits so received by me are for my own use, at my own home, and that the said ardent spirits will not be used in violation of law.

R. L. Stully

Consignee.

Sworn to and subscribed before me,

this 31 day of Dec, 1916.

W. Leggett

Agent for Southern Express Company.

## SOUTHERN EXPRESS COMPANY

(Incorporated)

## SPECIAL LIQUOR RECORD

Received at **Harrisonburg Va**, Date **12/21** 191 **40** Affidavit No. **140**  
 Consignee **R. L. Shultz**  
 Kind of Ardent Spirits **whis y** Amount **1qt** Weight **4** lbs.  
 Way-Bill No. **307** Date **12/21** 191 **Hagerstown Md**

To \_\_\_\_\_  
 Shipper **Moore & Earnshaw**

| Advances to Collect | EXPRESS CHARGES |         | Add Undercharge |
|---------------------|-----------------|---------|-----------------|
|                     | PREPAID         | COLLECT |                 |
|                     |                 |         | <b>28</b>       |

## RECORD OF NOTICES

To Consignee \_\_\_\_\_ To Shipper \_\_\_\_\_

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.

#49 Sticley

(OVER)



Commonwealth

~~vs -~~  
~~W. L. Stutz~~

|                   |      |
|-------------------|------|
| 1 - J. M. Mason   | 2.50 |
| 2 - J. B. Hendon  | 1.90 |
| 3 - W. C. Myers   | 2.50 |
| 4 - D. N. Flick   | 1.90 |
| 5 - C. H. Knicker | 2.50 |
| 6 - A. M. Spitzer | 2.50 |
| 7 - C. G. Price   | 1.50 |

---

2) 15.30  
7.65

According to

N

We the Jury find  
the defendant R. S. Tuttle  
guilty as charged &  
in the indictment and  
fix his punishment  
at a fine of 50<sup>00</sup> &  
30 days in jail.

J. B. Dumbare,  
Foreman

As per this part in case -

motion set aside - &

