

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of said county of Rockingham and now attending said Court at its December term, 1928, upon their oaths do present that Perry Smith, who was heretofore on the 16th day of June, 1924, convicted of violating the Prohibition laws of the Commonwealth of Virginia in the Circuit Court of said Rockingham County, and who then and there was sentenced to pay a fine of one hundred dollars and serve for a period of three months in jail, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully and feloniously have in his possession mash, a still, still cap, worm, tub, fermenter, and other appliances connected with and used in the operation of a still, without having the same registered as required by law, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of S. C. Heltzel, a witness sworn in Court and sent before the grand jury to give evidence.

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

BE IT REMEMBERED that on the 8th day of December 1928

Perry Smith and Ashby Smith

came before me W. L. Dinsmore, a Justice of the Peace

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said

Perry Smith

in the sum of

One Thousand

Dollars,

good and lawful money of the United States, and the said Ashby Smith

in the sum of One Thousand

Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said

Perry Smith

shall make default in the performance of the

conditions underwritten.

The condition of the above recognizance is such that if the above bound

Perry Smith

do and shall personally appear before the Circuit

Court of Rockingham on the 1st day of the December Term next

thereof, being the 17th day of December 1928, at the Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain felony

whereof the said Perry Smith stands charged, and shall not

and complies with the conditions presented in Sec. 4973 of the Code of Va, depart thence without the leave of said Court/ then the above recognizance shall be void and of no

effect, otherwise to remain in full force and virtue, and be bound under this recognizance until this charge is finally disposed of, or, is declared void by order of a competent court.

Taken and acknowledged before me, the day and year first above written.

W. L. Dinsmore J. P.

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

The 17th day of December 1928
Perry Smith and Abby Smith

came before me, W. L. Dismore, a Justice of the Peace
of the said county of Rockingham, and severally and respectively acknowledged themselves to be in-
debted to the Commonwealth of Virginia, in manner and form following, that is to say: the said
Perry Smith in the sum of

One Thousand Dollars

good and lawful money of the United States, and the said
Abby Smith in the sum of
One Thousand Dollars of like good and lawful money, to be
respectively made and levied of their several goods and chattels, lands and tenements, and they
severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any
claim or right to discharge any liability to the Commonwealth arising under this recognizance with
coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said
Perry Smith shall make default in the performance of the

conditions underwritten.
The condition of the above recognizance is such that if the above bond
do and shall personally appear before the Circuit
Court of Rockingham on the 1st day of the month of
December 1928, at the Court-house thereof,
and then and there answer the Commonwealth of Virginia concerning a certain felony
whereof the said Perry Smith stands charged, and shall not
depart therefrom without the leave of said Court, then the above recognizance shall be void and of no
effect, otherwise to remain in full force and virtue, and be bound under this recognizance until
this charge is finally disposed of, or is declared void by order of a competent court.
Taken and acknowledged before me, the day and year first above written.

W. L. Dismore
Justice of the Peace

State of Virginia,
County of Rockingham,

To-wit:

To the Sheriff or any Police Officer or Constable of the said County:

WHEREAS, S. F. Newman of the said County, has this day made complaint and information on oath before me, W. L. Dinsmore, a Justice of the Peace of the said County, that Perry Smith in the said County, did on the 7th day of December, 1928:

Unlawfully have in his possession one complete still and a certain quantity of mash, against the peace and dignity of the Commonwealth of Virginia.

THESE ARE, THEREFORE, To command you, in the name of the Commonwealth, to apprehend and bring before me, or some other Justice of the said County, the body of the said

Perry Smith to answer the said complaint and to be further dealt with according to law. And you are also directed to summon

S. C. Heltzel

, as witnesses.

Given under my hand and seal, this 8th day of December, 1928

W. L. Dinsmore, J. P. [SEAL]

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

I, _____, a Justice of the Peace in and for the County of Rockingham, Virginia, do hereby certify that _____ and _____ as his suret _____, have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____), to be made and levied of their goods and chattels, upon this condition : That the said _____ shall appear before the undersigned or the Circuit Court of Rockingham County, on the _____ day of _____, 192 _____, 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 _____ day of _____, 192 _____, J. P.

Lowell vs Perry Smith

Justice,	\$ 3.00
Fine,	\$ _____
Clerk,	\$ _____
Arrest,	\$ 11.50
Witness Attendance,	\$.50
Trans of Prisoner	6.16
Summoning Witnesses,	\$ _____
Jail Fees	1.70
Commonwealth,	\$ _____
Total,	\$ 22.86

COSTS

Grand Jury

COMMONWEALTH
WARRANT OF ARREST.

Executed this, the _____ day of _____, 1928.

P. J. Newman

Deputy for C. R. Fawley, S. R. C.
Upon the examination of the within

charge, I find the accused guilty of the charges herein contained on the defendants admission of guilt, corroborated by the evidence of S. F. Newman and S. C. Heltzel, Deputies for Chas R. Fawley, Sheriff of Rockingham County, Va. The case is hereby transmitted to the Circuit Court of Rockingham County for final disposition.

Given under my hand this the 8th day of December, 1928.

J. P. [Signature]
J. P.

Port Republic, Va., December 10, 1928

Mr. J. Frank Blackburn,
Deputy Clerk Circuit Court,
Harrisonburg, Virginia.

Dear Mr. Blackburn:

Herewith papers in the case of the Commonwealth
v. Perry Smith. This bond is made to suit and include the notation
you made on the blank for me Saturday, which you no doubt can recall.

I explained to Mr. Smith and his surety, that they
would not have to report to the Court on the 17th, but that it was
incumbent upon them to keep in touch with the matter for the next
Grand Jury session, be it special or regular, and be present in Court
accordingly.

You may consider the amount of the bond somewhat
high, however, this is Mr. Smith's second offence, which I felt
should be amply protected.

Yours very truly,

W. L. Dinsmore

W. L. Dinsmore,
Justice of the Peace.

Port Republic, Va., December 10, 1938

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Deputy Clerk Circuit Court,
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You may consider the amount of the bond somewhat
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should be amply protected.

Yours very truly,

W. L. Dinmore,
Justice of the Peace.

Sheriff fees. include
Justice Cost - \$22.86
Summons Witness 2.00
Stall 50.00
Total \$74.86

Dec. Term 1978

#565

COMMONWEALTH

VS. Felony (Pro.) 2nd

Perry Smith

4 days

3rd sub
4 mos 50.00 fine



28 4761