

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 said Court at its October term, 1930, upon their oaths present that O. W. Wiseman, within one year next prior to the finding of this indictment, in said county, did unlawfully have in his possession two gallons of (what is commonly called home brew) ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of G. A. Lawson, J. L. Dirting, and W. E. Thurber, witnesses sworn in Court and sent before the grand jury to give evidence.

Poss.

Commonwealth

v) Indictment

O. W. Wiseman

Misdemeanor

October term, 1930

A True Bill:

M. S. Armentrout
Foreman

D. W. Earman
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

Commonwealth of Virginia.

This indictment is found on the testimony of C.

in Court and sent before the Grand Jury to give evidence.

A. Lawson, J. L. Dilling, and W. R. Thurber, witnesses sworn

Commonwealth of Virginia—City, County of, *Birmingham* to-wit:

To the Prohibition Inspectors, Sheriffs, Sergeants, and all Police Officers and Constables of the State of Virginia—Greeting:

WHEREAS *W. J. Reynolds* Prohibition Inspector of the said *City* County has this day made complaint and information on oath before me, *J. P. [Signature]* Name of Magistrate Title of the said *City* County that he verily believes, that in the said *City* County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain *Dwelling house and Out buildings*

Here describe the place, house, room or boat, as the case may be

by one *Wiseman on the Latin Carrier Place*

Give name, if name unknown, say, "Whose name is to the informant unknown"

(b) A still, still cap, worm, tubs, fermenters and other appliances connected with such still and used, and mash and other substances, capable of being used, in the manufacture of Ardent Spirits, are unlawfully in the possession of, and unlawfully used by one *Wiseman on the Latin Carrier Place*

Give name, if name unknown, say "Whose name is to the informant unknown"

in a certain *Dwelling house and Out buildings*

Here describe place as in (a) above

(c) Ardent Spirits are being unlawfully kept, held, stored, concealed, used, sold, and unlawfully transported in certain baggage or a certain vehicle, to-wit: a certain

Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not

by one

Here give name, or describe as in [a] above

And there being reasonable cause for such belief:

THESE ARE, THEREFORE, IN THE NAME OF THE COMMONWEALTH OF VIRGINIA, to command you, with all necessary and proper speed and assistance, to search the house, place, baggage, boat or vehicle herein designated, either in day or night, and seize such ardent spirits and their containers and other things apparently possessed or used in violation of law, and bring the same and the person or persons, in whose possession they are found, and also any person resisting, impeding, obstructing, or in any manner hindering or delaying you in the execution of this warrant before me, or some other officer having jurisdiction of the case, to be disposed of and dealt with according to law; and make return of this warrant showing all acts and things done thereunder, with a particular statement and sufficient description of the things seized and the name of the person in whose possession found, if any, and if not found in the possession of any one, so state in your return, and post a true copy of this warrant and the return thereof, as required by law.

Given under my hand and seal this *16th* day of *Sept.* 19*20*

J. P. [Signature] (SEAL)
Justice of the Peace
Title of Magistrate

DIRECTIONS

1. If only Ardent Spirits and containers be seized, the Magistrate shall fix a time not less than 10 nor more than 30 days from the date of return, for the hearing of said return. If no claimant appear, the Ardent Spirits and articles are to be forfeited to Commonwealth. Any person claiming any of same must file a **written claim** stating particularly the character and extent of his interest therein, whereupon the Magistrate shall certify the warrant, **written claim** and articles claimed, to the Circuit or Corporation Court, as the case may be, for determination, and declare the unclaimed articles forfeited.
2. If still, still cap, worm, tubs, heater, fermenters, or any appliance connected with a still and used, or mash or other substance capable of being used, in the manufacture of Ardent Spirits, be seized, the mash (after taking a sample) shall be destroyed, and the facts and articles seized reported to the Prohibition Commissioner and Commonwealth's Attorney. (A copy of this warrant and proper return will be a sufficient notice and report.) Ardent Spirits and containers disposed of as in No. 1 above.
3. If Ardent Spirits are being transported in an automobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be delivered to the Sergeant of the City, the facts reported to the Prohibition Commissioner and Commonwealth's Attorney and Ardent Spirits and containers disposed of as provided in No. 1 above. (A copy of this warrant and proper return will be a sufficient report.)
4. A copy of this warrant and the return thereon must be posted at the front door of the house, or on the door of the room, or on the premises at the place the Ardent Spirits may be found.

See Sections 21 1-2, 22, 23, 23 1-2, 57 and 57 1-2, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

O. W. Wiseman

Executed the within warrant this *27* day
of *Sept*, 192*2*, by searching the
within stated *Lawling House*

Here state house, room, place

and by seizing the following described Ardent
Spirits and other things therein found (and arrest-
ing the above named person found in possession
thereof) and by posting a true copy of this warrant

and the return hereon on the _____

Here say place, house, room, boat,

auto or Baggage, or as case may be

as front door of house, door of room or premises

Description of Ardent Spirits and other things
seized *2 Gale Beer*

Given under my hand this *27* day of

Sept, 192*2*.

G. A. Lawson

Title

The following named officers and persons as-
sisted me in the execution of this warrant:

J. E. Denting
Mr. H. J. Hughes

Other than above stated the following are wit-
nesses:

This matter set for hearing on the _____ day
of _____, 192_____.

No claim of ownership or interest in any of the
said things seized having been filed herein in com-
pliance with the law, the same are hereby adjudged
and declared confiscated and forfeited to the Com-
monwealth.

Given under my hand this _____ day
of _____, 192_____.

Title of Magistrate

Written claim of ownership or interest having
been filed to certain of the said things herein seiz-
ed, this warrant, the said claim and the things in
the claim particularly described, are hereby certi-
fied to the _____ Court of this _____
for determination, and the said things unclaimed
are hereby adjudged and declared confiscated
and forfeited to the Commonwealth.

Given under my hand this _____ day
of _____, 192_____.

Title of Magistrate

NOTE.—Unless warrant issued for Ardent Spirits
being transported in vehicle, boat or baggage, it is
to be returned to the jurisdiction from which issu-
ed. If issued for Ardent Spirits so transported, it
can be executed in any part of the State, and re-
turned to any justice in any county or city through
which they are carried.

Shelf Cost

Arrest —

10.00

Suman Witness

3.00

Com fee

50

\$13.50

25.00
6.50

#796

OCT

1930

COMMONWEALTH

VS.

) Misd. (Pro.)

O. W. WISEMAN

Capias

18th

5⁰⁰
for analysis



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145.00