

STATE 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 February term, 1927, upon their oaths do present that Russell Smith, within one year next prior to the finding of this indictment, in 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.

The jurors aforesaid, upon their oaths aforesaid, do further present that Russell Smith, within one year next prior to the finding of this indictment, in the said county of Rockingham, did unlawfully have in his possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

The jurors aforesaid, upon their oaths aforesaid do further present that Russell Smith, within one year next prior to the finding of this indictment, in the said county of Rockingham, did unlawfully receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

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

Prohibition - B.I.

Commonwealth

v) Indictment

Russell Smith

Misdemeanor

February term, 1927

A True Bill:

Geo. P. Burke  
Foreman

D. W. Earman  
Commonwealth's Attorney

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

to give evidence.

Lawsom, a witness sworn in Court and sent before the Grand Jury  
This indictment is found on the testimony of Geo.

the peace and dignity of the Commonwealth of Virginia.  
of Rockingham, did unlawfully receive argent spirits, against  
prior to the finding of this indictment, in the said county  
do further present that Russell Smith, within one year next  
The Jurors aforesaid, upon their oaths aforesaid

Virginia.  
spirits, against the peace and dignity of the Commonwealth of  
of Rockingham, did unlawfully have in his possession argent  
prior to the finding of this indictment, in the said county  
The Jurors aforesaid, upon their oaths aforesaid,

the Commonwealth of Virginia.  
orders for argent spirits, against  
the peace and dignity of  
advise and receive  
and expose for sale. Give  
unlawfully manu-  
to the finding of this in-  
do present that Russell  
ending said Court at its

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

BE IT REMEMBERED that on the 26 day of Jan 1927,

Russel Smith & L. E. Smith  
came before me W. H. Bruce

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  
Russel Smith & L. E. Smith in the sum of  
Five hundred Dollars,

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

~~in the sum of \_\_\_\_\_ 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  
Russel Smith shall make default in the performance of the  
conditions underwritten.

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

Russel Smith do and shall personally appear before the Circuit  
Court of Rockingham on the 1st day of the Feb Term next

thereof, being the 21 day of Feb 1927, at the Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain mis  
whereof the said Russel Smith stands charged, and shall not

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.

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

W. H. Bruce

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

That I, the undersigned, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 1927

\_\_\_\_\_

\_\_\_\_\_

of the county of Rockingham, and severally and respectively acknowledged themselves to be in-

cluded to the Commonwealth of Virginia in manner and form following, that is to say: the said

\_\_\_\_\_ in the sum of \_\_\_\_\_

Dollars

good and lawful money of the United States, and the said \_\_\_\_\_

to the sum of \_\_\_\_\_ 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 the same.

and they do hereby bind themselves from the bonds of this State, to the use of the Commonwealth of Virginia if the said

\_\_\_\_\_ shall make default in the performance of the

conditions herein written.

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

do and shall personally appear before the Circuit

Court of Rockingham on the \_\_\_\_\_ day of the \_\_\_\_\_ Term next

thereof, being the \_\_\_\_\_ day of \_\_\_\_\_ 1927 at the Court house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain \_\_\_\_\_

whereof the said \_\_\_\_\_ stands charged, and shall not

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.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**AFFIDAVIT FOR A WARRANT TO SEARCH  
FOR ARDENT SPIRITS, ETC.**

Commonwealth of Virginia

vs.

*Russell Smith*

Filed in the Clerk's Office of the

Court of the ..... of ..... Va.  
County or City Name

Court of the .....  
Virginia, this ..... day of ..... 192

Clerk

By ..... D. C.

*D. C. [Signature]*  
1891  
[Faint handwritten notes and signatures on the left page]

*[Faint handwritten notes and signatures on the right page]*  
10-11-12  
Commonwealth of Virginia - City of [illegible]

Commonwealth of Virginia--City, County of Rockingham to-wit:

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

WHEREAS J. L. Dinting, Fed. Pro. Agent of the said Co City or County

has this day made complaint and information on oath before me, M. L. Lancham, J.P. Name of Magistrate Title

of the said Co that he verily believes, that in the said Co and State: City or County

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain dwelling house & outbuildings Here describe the place, house, room or boat, as the case may be

by one Russell Smith & father 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 Russell Smith & father Give name; if name unknown say "Whose name is to the informant unknown."

in a certain dwelling house & outbuildings 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 baggage Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not

by one baggage 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 Dec 1926.

M. L. Lancham (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, heather, 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 Director and Commonwealth's Attorney. (A copy of this warrant and proper return will be 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 Director 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 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 21½, 22, 23, 23½, 57 and 57½, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs. Russell Smith

Executed the within warrant this 17 day of Dec 1926, by searching the within stated Premises

Here state house, room, place and by seizing the following described Ardent Spirits and other things therein found (and arresting 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 the case may be

as front door of house, door of room or premises

Description of Ardent Spirits and other things seized Two five gal kegs

Each 3/4 full 3 Jugs 1 Bottle one 1/2 fuel

Given under my hand this 18 day of

Dec 1926 J. W. Lam Deputy Sheriff Title

The following named officers and persons assisted me in the execution of this warrant:

W. J. Retroad George Lawson J. L. Disting

Other than above stated the following are witnesses:

W. J. Retroad George Lawson J. L. Disting

This matter set for hearing on the day of 1926

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

Given under my hand this day of 1926

Title of Magistrate

Written claim of ownership or interest having been filed to certain of the said things herein seized, this warrant, the said claim and the things in the claim particularly described, are hereby certified 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 1926

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 issued. If issued for Ardent Spirits so transported, it can be executed in any part of the State, and returned to any justice in any county or city through which they were carried.





Commonwealth

vs.

Commonwealth

vs.

Arrest Warrant

**Judgment**

That the Defendant found guilty and fined and costs as follows:

Fine - - - - -

Clerk's Fee - - - - -

Justice's Fee - - - - -

Arrest - - - - -

Summoning Witnesses - - - - -

Witnesses Attendance and Mileage - - - - -

Total - - - - -

Justice of the Peace.

*Russel Smith*  
*Russel Smith*

Executed the within warrant by arresting  
and delivering the body of

*Russel Smith*  
*L H Rouse*

before  
a Justice of Rockingham County, and by sum-  
moning the within named witnesses in person

this *26* day of *Jan* 192*7*  
*Gra Lawson*  
Constable of Rockingham County

*for C W Law*  
*B R L*

Arrest Warrant  
Commonwealth of Virginia  
Rockingham County

To  
Whereas  
complaint and information on oath before  
said County, that  
of the said County, on the

These are therefore, in the name of the Commonwealth of Virginia, do hereby command you to appear and bring before me the body of the said  
to answer the said complaint and information on oath before me, and to deliver the body of the said  
to appear and give evidence in the said  
offence.

Given under my hand and seal of the said County, this

**In the Name of the Commonwealth of Virginia:**

**To the Sheriff of Rockingham County, Greeting:**

You are hereby commanded to summon.....

*J. T. Lam, J. L. Disting, Dewey  
Dafflemeyer & W. F. Rissade*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court  
House thereof, at 10 o'clock, a. m., on the *26th* day of *Feb.* 19*27*

to testify and the truth to say in behalf of the Commonwealth against.....

*Russell Smith*

who stands charged with and indicted for a felony misdemeanor.

And this *they* shall not omit under the penalty of £100. And have then  
and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the  
*24* day of *Feb.*, 19*27* and in the *57th* year of the Commonwealth.

*J. F. Blackburn*, Clerk.

Com.

In the Name of the Commonwealth of Virginia

to the Sheriff of Rockingham County, Greeting:

Russell Smith

Executed Feb. 25, 1927 by delivering a true Copy of the  
within Summons to the within named witnesses  
.....in person.

G. W. Dove, J. R. C.

Sheriff fee \$2.00

Feb. 26, 1927

Not Good, Remittance for

**In the Name of the Commonwealth of Virginia:**

**To the Sheriff of Rockingham County, Greeting:**

*You are hereby commanded to summon*.....

*G. A. Lawson*

*to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the 21<sup>st</sup> day of Feb. 1927 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury*

*Russell Smith*

*who stands charged with and indicted for a felony misdemeanor.*

*And this he shall not omit under the penalty of £100. And have then and there this Writ.*

*Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the 12 day of Feb., 1927, and in the 15<sup>th</sup> year of the Commonwealth.*

*J. F. Blackburn*, Clerk.

Executed Feb. 19, 1927

... a true copy of the

Geo. Lawson

within summons to

..... in person.

G. W. Dove, A. R. B.

Sheriff fee .50

Feb. 21, 1927

Com.

Russell Smith

Summons  
Lawson. L. Miller  
A. B. Lawson as Juror  
G. A. Lawson

Pro. D. 2. #366  
Cont'd Feb Term 1927  
vs. Miss. (Pro.)  
Russell Smith

Arrest - Byrode = 10.00

Sheriff fee  
Arrest \$ 10.00  
Search warrant 1.00  
Summons 2.50  

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\$ 13.50

Cont'd  
50.00

5.50  
1.50  

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7.00



20-4446