

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 said county of Rockingham and now attending said Court at its August term, 1930, upon their oaths do present that Harry Higgins, on August 9, 1930, in said county, did unlawfully have in his possession seventy bottles of (home brew) ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. T. Rexrode, witness sworn in Court and sent before the grand jury to give evidence. *J. L. Vesting*

Poss. ✓

Com

v) Indictment

Harry Higgins

Copies

Misdemeanor

August term, 1930

A True Bill:

J. Brown. Trobrough
Foreman

D. W. Earman
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, ss-wit:

In the Circuit Court of said County:

This indictment is found on the testimony of N. T. Rex-
ford, witness sworn in Court and sent before the Grand Jury to
give evidence.

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

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

WHEREAS *Dr T Rexford Cook, Inspector* of the said City County has this day made complaint and information on oath before me, *J.C. Staples* 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 *dwelleng house & out buildings* Here describe the place, house, room or boat, as the case may be

by one *Harry Higgins on Effinger Street Hg 9th* 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 *Harry Higgins* Give name, if name unknown, say, "Whose name is to the informant unknown"

in a certain *dwelleng house & out buildings on Effinger St* 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 *9th* day of *August* 19*30*

J.C. Staples (SEAL) 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.

Harry Higgins

Executed the within warrant this 9th day of Aug, 1920, 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 case may be

as front door of house, door of room or premises

Description of Ardent Spirits and other things

seized

*70 bottles Home Brew
1 bottle capgur.*

Given under my hand this 9th day of Aug, 1920.

H. B. Rexrode
State Prot Inspector

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

*J. H. Wirtling
S. C. Keltz*

Other than above stated the following are witnesses:

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 compliance with the law, the same are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

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 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 _____, 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 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 are carried.

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 23 day of August 1930
Harry Higgins, principal and T. E. Lloyd
surety, who justified to his sufficiency, came before me, Shepley L. Dewar
J. Bail Commissioner, of the said County of Rockingham,
(J. P. or Bail Commissioner)
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
Two Hundred Fifty Dollars, (\$ 250.⁰⁰),
to be levied of their respective goods and chattels, lands and tenements, for the use of the Common-
wealth of Virginia rendered, and they each severally waived their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said Harry Higgins shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the 25th day of the
August ~~Term thereof, being the~~ day of _____,
1930, and at such other time or times to which the proceedings may be continued or further
heard, and before any court or judge hereafter having or holding any proceedings in connection with
the said charge, and then and there answer the Commonwealth of Virginia concerning a certain
misdemeanor whereof the said Harry Higgins stands
charged, and be bound under said recognizance until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 23rd day of
August, 1930.

Shepley L. Dewar
(J. P. or BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 23 day of August 1930

Harry Higginson, principal and
surety, who justified to his excellency, came before me
James B. [unclear], of the said County of Rockingham,

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of

Two Hundred and Fifty Dollars (\$250.00)

to be levied of their respective goods and chattels, lands and tenements for the use of the Common-
wealth of Virginia tendered, and they each severally waived the homestead exemption to be had
thereon; yet upon this condition:

That if the said

the Circuit Court of Rockingham County, at the Courtouse of said County, the

1930, and at such other time or times to which the proceedings may be continued or adjourned

heard, and before any court or judge hereafter having or holding jurisdiction in and over the

the said charge, and then and there answer the Commonwealth of Virginia concerning a certain

standards

whatsoever the said

charged, and be bound under said recognizance until the charge is finally disposed of or until it is

decided void by order of a competent court, then the above recognizance shall be null and void; other-

wise to remain in full force and effect.

In Witness Whereof, I hereto affix my signature this 23 day of

August, 1930

[Signature]

(J. B. [unclear] Bail Commissioner)

Harry Higginson
\$250.00
10-Aug-
25-1930
Circuit Court

Shaw Est
Arrest \$10.00
Jury Witness 2.00
Committee 50
Dr. P. A. Bill 5.00

\$ 17.50

AUG 1930

755

COMMONWEALTH

VS.) Misdr. (Pro.)

HARRY HIGGINS

9th
guilty
recog.

1 mo. - suspended
\$ 50.00



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