

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, ~~at its January term, 1917,~~ UPON THEIR OATHS PRESENT, that Charles Cochran in the said County, did heretofore since the 1st day of November, 1916, to-wit, on the 23d 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 23d day of December, 1916, he, the said Charles Cochran, 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 29, 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 Charles Cochran 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.

W C Garter

January term, 1917.

Thirty day violation.

COMMONWEALTH
vs. **Indictment**

Charles Cochran.

~~For Felony~~
For Misdemeanor

A TRUE BILL

G. R. Eastham
Foreman

Copies

Harry M. Strickler,
Commonwealth's Attorney.

We the jury find the accused Charles Cochran guilty as charged in the indictment and fine him pursuant to a fine of \$50.00 and no more to pay.

H. M. Strickler Jr. Foreman

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

Know all men by these Presents, that we Charles Cochran and Leon Hirsch are held and firmly bound unto the Commonwealth of Virginia in the sum of one hundred dollars to the full and true payment *whereof* we bind ourselves firmly by these presents, and as to this obligation we waive our homestead exemptions and the right to discharge any liability ~~hereunder by Coupons detached from the Coupons in~~ ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

from the bonds of this state.

The condition of the above ^{ob}ligation is such that where as the above bound Charles Cochran has been indicted by the grand jury of Rockingham County for the violation of Chapter 146 of the Acts of Assembly of 1916, for unlawfully receiving and accepting delivery of ardent spirits from the Southern Express Company in Harrisonburg, Virginia, in the County aforesaid on the 23rd., day of December 1916, contrary to the provisions of the said act; Now, therefore if the said Charles Cochran ^{shall} appears before the Circuit Court of the said County on the 1st. day of February 1917 at ten o'clock A.M. to answer the said indictment and not depart therefrom without leave of Court then this obligation to be null and void, otherwise to remain in full force and virtue.

Witness following signatures and seals *this 31st*
day of January 1917 *Chas Cochran* (Seal)
Leon Hirsch (Seal)

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

Know all men by these presents, that we Charles Cochrane
and Leon Hirsch are held and firmly bound unto the Com
monwealth of Virginia in the sum of one hundred dollars to

the said Commonwealth, and as to this obligation we waive out
all and singular the right to discharge any and
every A. M. to appear before the Circuit Court of the said
County of Rockingham, Virginia, for the violation of

the condition of the above bond, Charles Cochrane has been indicted by the
grand jury of Rockingham County for the violation of
the laws of the said Commonwealth of Virginia, for unlawfully

and accepting delivery of certain rights from the
Southern Virginia Company in Rockingham County, Virginia, in the sum
of one hundred dollars, on the 23rd day of October 1917, contrary
to the provisions of the said act; now, therefore, it is the said
Charles Cochrane, before the Circuit Court of the said
County on the 1st day of February 1917 at ten o'clock
A. M. to answer the said indictment and not depart therefrom
without leave of Court then this obligation to be null and
void, full answer to remain in full force and virtue.

Witness following signatures and seals this 31st
day of January 1917
Charles Cochrane (Seal)
Leon Hirsch (Seal)

Chas. Cochrane

February 12, 1917.

This is to certify that on a petition of Chas. Cochran, 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. Chas. Cochran, 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:

W. W. Way Clerk.

To the Clerk of the Circuit Court of Rockingham County:

February 12, 1917.



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

Done

Chas. Beckman

Wm. W. ... Clerk

To the Clerk of the Circuit Court of Rockingham County:

Revised

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 jury are further told that proof of the receipt of the package~~

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 packages delivered to the defendant was distilled spirits and unless this has been done the jury must find the defendant not guilty.

Repeared

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.

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 de-
fendant in this case, for the burden rests on the Commonwealth to
prove beyond all reasonable doubt that the contents of the pack-
ages received by the defendant was distilled spirits.

Revised

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.

Page 2

The Court instructs the jury that the defendant un-
der the law is entitled to receive not otherwise than once each
defendant month one quart of distilled liquor, and if the jury be-
lieve from the evidence that the defendant in the month of Nov-
ember and December, 1918, did receive but one quart of distilled
liquor in each of said months, then the jury will find the de-
fendant not guilty.

Revised

If the jury shall find the ^{defendant} ~~no~~ not guilty they will say so, and ~~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.

Com

1

Chas. C. Cook

Bookkeeper for
Trist & Howard

BALTIMORE

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It is remembered that upon the trial of this case

the Government to maintain the issue on its part introduced
G. Galtner who testified in chief that...

That he was the agent at Harrisonburg, Virginia,
of the Southern Express Company, a common carrier, and that

Cochran on November the 23rd, 1916, called at his office and as-
ked if there was a package of whiskey there for him from Hagers-

town, Maryland, that upon being advised that there was, Cochran
received for the same by signing the Company's Record Book, and

then made the following affidavit which was printed on back of
express bill, (Here insert affidavit and express bill) said the

express charges, received the package, and departed with it, that
on December, the 23rd, 1916, the said Cochran again appeared at

the office and again asked if there was a package of whiskey there
for him from Hagerstown, Maryland, and upon being advised that

there was, he signed the express record book and made the follow-
ing affidavit which is written on the back of the express bill,

(Here insert copy of affidavit and express bill) said the ex-
press charges and departed with the package. That each of said

packages were labeled whiskey and were in various sizes twelve
inches long by four inches wide.

On cross examination the witness testified that he
did not know the contents of the packages or either of them, that

they were sealed when received and he did not break the seals,
and that being all of the evidence introduced or in-

ferred to be introduced by either of the parties, the case was
submitted to the jury which after hearing argument of counsel re-

turned to its room to consider its verdict, and after awhile re-

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turned into Court and rendered the following verdict. *(Here insert verdict)*

Whereupon the defendant, by counsel moved the Court to set aside said verdict as contrary to the law and the evidence, and grant him a new trial ^{but} ~~which motion~~ ^{said motion of the} the Court overruled and ~~entered~~ ^{defendant and gave judgment against him in accordance} the following judgement, to-wit:
with said verdict of the jury
~~(Here insert judgement)~~

And to the

~~to 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 said judgement, the defendant by counsel excepted and prays that this his first Bill of Exception may be signed, sealed, and enrolled and made of the record in this cause, which is thereupon accordingly done, this *Feb 6th* day of February, 1917.

J. H. Hays, Jr. (Seal).

turned into Court and rendered the following verdict (there must be a
 Upon the defendant, by counsel moved the Court to
 set aside said verdict as contrary to the law and the evidence, and
 grant him a new trial which motion the Court overruled and entered
 the following judgment: (to-wit:)
 (These insert judgment)

Handwritten initials or mark

to 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 said judgment, the defendant
 by counsel excepted and prays that this his first bill of ex-
 ception may be signed, sealed, and enrolled and made of the record
 in this cause, which is thereupon accordingly done, this
 day of February, 1917.

Handwritten signature

 (Seal)

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Be it remembered that upon the trial of this cause after the testimony set forth in "Bill of Exceptions" number one 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 the 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 package 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 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.

The Court instructs the jury that the defendant under the law is entitled to receive not oftener than ^{one} 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.

Be it remembered that upon the trial of this cause

after the testimony set forth in "Bill of Exceptions" number one
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 the accused is pre-
sumed 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 package 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 neither the express
bill, the affidavit nor the express records, nor all of them com-
bined, are sufficient proof to establish the guilt of the defend-
ant in this case, for the burden rests on the Commonwealth to
prove beyond all reasonable doubt, that the contents of the pack-
ages received by the defendant was distilled spirits.

The Court instructs the jury that the defendant un-
der the law is entitled to receive not often than 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.

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 Five Dollars (\$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 Exceptions number two, may be signed, sealed and enrolled and made a part of the record in this cause which is accordingly done this 6th day of February, 1917.

J. P. Haas

(SEALED)

Judge.

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 five Dollars (\$5.00) or confinement in jail, or both in the discretion of the jury.

To the granting of which instructions the Court weath 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 Exceptions, number two, may be signed, sealed and enrolled and made a part of the record in this cause which is accordingly done this 21 day of February, 1917.

J. R. [Signature]
Judge.

(SEAL)

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" number one, which here referred to as a part hereof, and propounded to him the following question.

Did the defendant on November the 29th, 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 ~~xxxxxxx~~ ^{Bill of Exceptions} in number one, which is here referred to, and to which action of the Court, the defendant by counsel excepted, and prays that this his 3rd "Bill of Exceptions" may be signed, sealed and enrolled and made a part of the record in this cause which is accordingly done this 6th 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. D. Galtner, who testified as set forth in "Bill of Exceptions" number one, which here referred to as a part heretofore, and propounded to him the following question.

Did the defendant on November the 23rd, 1917, 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 ~~XXXXXXXXXX~~ in Bill of Exceptions number one, which is here referred to, and to which action of the Court, the defendant by counsel excepted, and prays that this his 3rd "Bill of Exceptions" may be signed, sealed and enrolled and made a part of the record in this cause which is accordingly done this 23 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" number one, which here referred to as a part hereof, and propounded to him the following question.

Did the defendant on December the 23rd, 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 ~~any~~ ⁱⁿ evidence any admissions of the defendant, which objection, the Court overruled, and permitted the introduction of said affidavit appearing in "Bill of Exceptions" number one, 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 6th day of February, 1917.

J. H. Hays

(SEAL)

Judge.

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE

STATE OF VIRGINIA,

COUNTY OF Rockingham

I, Chas Cochran, 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 Md, 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.

Chas Cochran

Consignee.

Sworn to and subscribed before me,

this 23 day of Dec, 1916.

W. Lee Foster

Agent for Southern Express Company.

FORM 370-VA.

SOUTHERN EXPRESS COMPANY
 (Incorporated)

SPECIAL LIQUOR RECORD

Received at Harrisonburg Va, Date 12/22 191 148 Affidavit No

Consignee Chas Cochran

Kind of Ardent Spirits whisky Amount 1qt Weight 4 lbs.

Way-Bill No. 1570 Date 12/21 191 Hagerstown Md

To _____

Shipper L Meyers

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 Stickley

(OVER)

SOUTHERN EXPRESS COMPANY
 (Incorporated)

SPECIAL LIQUOR RECORD

 Received at Harrisonburg Va Date Nov. 28 1916 Affidavit No. 152

 Consignee Chas Cochran

 Kind of Ardent Spirits whisky Amount 1qt Weight 4 lbs.

 Way-Bill No. ## 688 Date Nov. 27 1916 From Hagerstown, Md

To _____

 Shipper Louis Meyers,

Advances to Collect	EXPRESS CHARGES		Add Undercharge
	PREPAID	COLLECT	
			<u>28</u>

RECORD OF NOTICES

To Consignee _____ To Shipper _____

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE.
#49 Moore,

AFFIDAVIT FOR ARDENT SPIRITS FOR PERSONAL USE

STATE OF VIRGINIA,

COUNTY OF Patrick

I, Elmer Cochran, 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 Md; 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.

Elmer Cochran

Consignee.

Sworn to and subscribed before me,

this 29 day of Sept, 1916.

W. C. G. Smith
Agent for Southern Express Company.

Cochrane
vs
Carruth

Report

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

The Court instructs the jury that accused is presumed

to be innocent.

Handwritten signature

Handwritten notes
2/20/11
1/11/11