

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 June term, 1924, upon their oaths do present that Asbury Dean, within one year next prior to the finding of this indictment, in the 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 Asbury Dean, 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.

And the jurors aforesaid upon their oaths aforesaid do further present that Asbury Dean, within one year next prior to the finding of this indictment, in the County of Rockingham, did unlawfully receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that Asbury Dean, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully have in his possession 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 John S. Funk, C.W. Dove, R. M. Burke, and W. T. Rexrode, witnesses sworn in court and sent before the grand jury to give evidence.

*Put in shall*



We the jury find the accused, Asbury Dean, guilty  
as charged in the indictment and fix his punishment  
at one month in jail and a fine of \$50.00

*W. H. Good*  
*Foreman*

peace and dignity of the Commonwealth of Virginia.  
without selling the same registered as required by law, *product - gold +*  
other *additional* *was* *the* *operation* *of* *a* *still*.

have in his possession a still, still asp, worm, tub, fermenter, and  
of this indictment, in the said County of Rockingham, did unlawfully  
present that Asbury Dean, within one year next prior to the finding  
And the jurors aforesaid upon their oaths aforesaid do further  
wealth of Virginia.

ceive ardent spirits, against the peace and dignity of the Common-  
of this indictment, in the County of Rockingham, did unlawfully re-  
present that Asbury Dean, within one year next prior to the finding  
And the jurors aforesaid upon their oaths aforesaid do further  
of the Commonwealth of Virginia.

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

for ardent spirits, against the peace and dignity of the Commonwealth  
Give away, transport, dispense, sell, offer, keep, store and expose for sale  
unlawfully manufacturing, sell, offer, keep, store and expose for sale  
kind of his indictment, in the said County of Rockingham, did  
oath do present that Asbury Dean, within one year next prior to the  
Commonwealth  
v.  
Asbury Dean  
Misdemeanor  
A True Bill

D. W. Earman  
Commonwealth's Attorney

Viol Pro Act

(Unlawful possession of still)

The Grand Jurors in and for the body of said County of Rocking-

In the Circuit Court of said County:

COUNTY OF ROCKINGHAM, to-wit:

COMMONWEALTH OF VIRGINIA,







## 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 Director 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 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 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.

*Unoccupied Dwelling and out-  
buildings in Charge of As. Dean.*

Executed the within warrant this... *4<sup>th</sup>* ... day

of... *Jan. 11* ... 192... *4* ... by searching the

within stated *Dwelling + out-buildings*

(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

*Finding 1 still cap, 1 barrel  
containing small quantity of  
mash, wheel & eye chaps.*

Given under my hand this... *4<sup>th</sup>* ... day of

*Jan. 11 1924*  
*H. T. Penrod*  
*State Inspector* Title

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

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 were carried.



INSTRUCTION NO. 1.

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.



The Court instructs the jury that in this case, as in all criminal cases, the accused is presumed innocent until proven guilty. The burden of proof is on the State to establish the guilt of the accused beyond a reasonable doubt. If the jury believes that the State has met this burden, they should find the accused guilty. If the jury believes that the State has not met this burden, they should find the accused not guilty. The jury is to consider all the evidence presented to them, and to weigh it in their minds. If the jury is satisfied that the accused is guilty, they should return a verdict of guilty. If the jury is not satisfied, they should return a verdict of not guilty. The jury is to follow the instructions of the Court, and to render a verdict based on the evidence and the law.



2

The Court instructs the jury that although they may believe from the evidence that a still <sup>cap</sup> and some dry mash were found on the premises of the accused, yet unless they further believe from the evidence beyond every reasonable doubt that the said still and said mash were on the said premises with the knowledge, or by the consent of the accused then they must find the accused not guilty.



2

The Court instructs the jury that although they  
may believe from the evidence that a still and some dry  
mesh were found on the premises of the accused, yet unless  
they further believe from the evidence beyond every reasonable  
doubt that the said still and said mesh were on the said  
premises with the knowledge, or by the consent of the accused  
then they must find the accused not guilty.



3

The Court instructs the jury that it is unlawful for a person to own or have in his possession a still cap or mash or other substances capable of being used in the manufacture of ardent spirits unless such person obtain a permit as required by law. ~~to own such still cap.~~



2

The Court instructs the jury that it is unlawful  
for a person to own or have in his possession a still cap  
or mash or other appliances capable of being used in the  
manufacture of ardent spirits unless such person obtain  
a permit as required by law.



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

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

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

*Lester Dean, Edward Hersley, m. n.  
Eppard, Stella Dean, Lafayette Hersley,  
S. A. Hervey, Oliver Dean, Eliza Ann Dean,  
Seymour Hersley, W. H. M. & Leigh*

*to appear before the Judge of the Circuit Court of Rockingham County, at the Court  
House, at 10 o'clock, a. m., on the 16 day of July 1924  
to testify and the truth to say in behalf of the Defendant in the prosecution of the Common-  
wealth, Plaintiff, against.....*

*Asbury Dean*

*Defendant.....*

*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  
8 day of July, 1924, and in the 14<sup>th</sup> year of the Commonwealth.*

*J. F. Blackburn, Clerk.*



Exe cutd July 12/ 1924  
By Noting alone Chy Can Dr  
With Quorum

El M. S. Phillips to Chy Dr.  
for C-M. D. Galt

Arthur D. Earl

ado

Commonwealth

E. D. Att.

fee 5.00

July 16, 1924



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

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

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

*John S. Frank & W. Dove,  
Att. Coun. W. F. Repulse*

*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 16 day of July 1924  
to testify and the truth to say in behalf of the Commonwealth against.....*

*Asbury Dean*  
*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  
1 day of July, 1924 and in the 148th year of the Commonwealth.*

*J. F. Blackburn*, Clerk.



Executed July 2, 1924 by delivering a  
copy of this summons to the within  
named witnesses in person.

L. W. Dove, D. K. C.

Com.

<sup>v</sup>  
Arbunny Dean

entered

Sheriff fee 2.00

July 16, 1924



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

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

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

**John S. Funk, C.W. Dove, R.M. Burke, W.T. Rexrode**

*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* **16th** *day of* **June** **1924**,  
*to testify and the truth to say in behalf of the Commonwealth before the Grand Jury*

**Ashbury Dean**

*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*  
**11th** *day of* **June**, **1924**, *and in the* **148** *th year of the Commonwealth.*

*J. F. Blackburn*, Clerk.



Com.

vs

Asbury Dean

Grand Jury

Sheriff fee 2.00  
entred

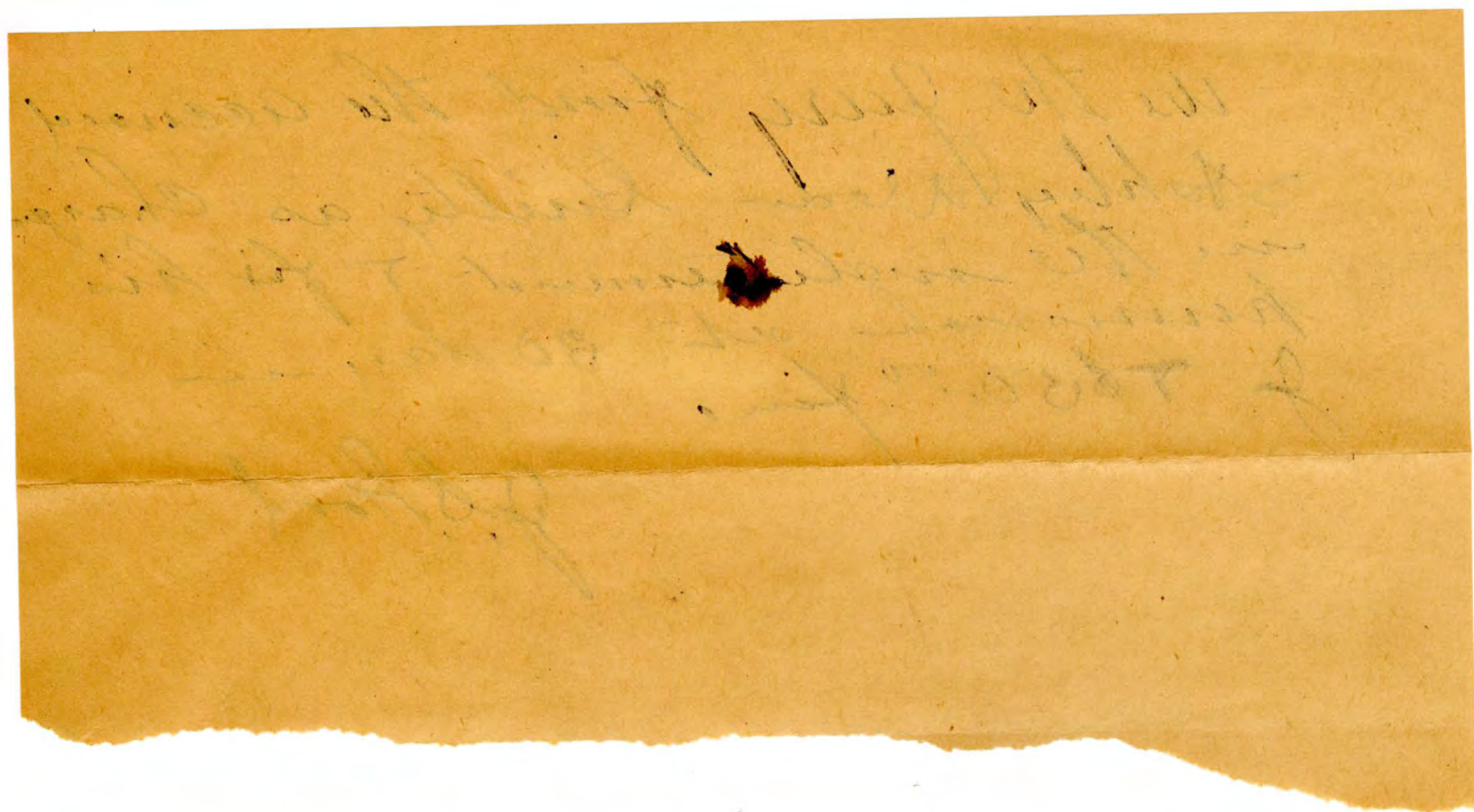
Executed June 14 1829 by delivering  
a copy of this summons to the  
within named witnesses each  
in person,  
L. W. Davis, Clerk.



We the Jury find the accused  
Ashley Dean Guilty as charged  
in the indictment & for his  
punishment at 30 day in  
J. T. \$50.00 fine.

J. B. Good







C. A. Foley

H. R. Eiler

J. S. Good

---

C. J. Sumner

Saml Egan

J. W. Frank

J. W. Hartman

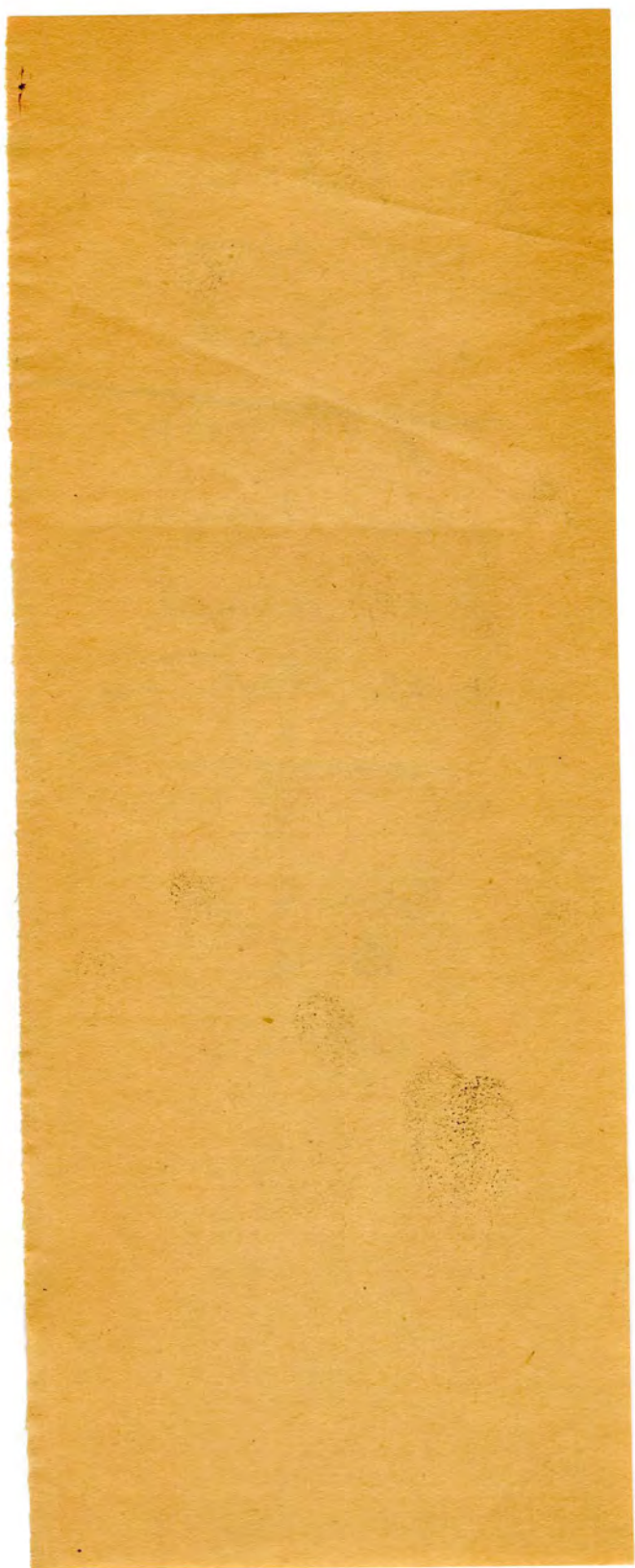
---

Com -

VS -

Heard -







#113

June Term  
1924

ASBURY DEAN

ads Indictment for a Misd.  
(Prohibition)

COMMONWEALTH

Sheriff fee  
Imp. Jury 1.50  
Summons 4.00  
Def. Summons 5.00  

---

10.50  
Print & arrest 11.50  

---

22.00

T. A. Fatch 2.00  
J. S. Good 2.40  
Saml. Eames 1.90  
J. W. Frank 2.50  
J. K. Hartman 1.90  
C. J. Sumner 3.30  
H. R. Eiler 2.10  

---

16.10



