

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, 1923, upon their oaths do present that E. D. Pence, 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.

This indictment is found on the testimony of J. L. Dirting, H. D. Brown, and J.E.Lambert, witnesses sworn in Court and sent before the grand jury to give evidence.

H. D. Brown

Viol. Pro. Act

COMMONWEALTH

v.
E. D. PENCE

A Misdemeanor

A True Bill

J. P. Fales
Foreman

D.W. Earman,
Commonwealth's Attorney.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

and sent before the Grand Jury to give evidence.
During, H. D. Brown, and J. E. Lambert, witnesses sworn in Court
This indictment is found on the testimony of J. P.

the peace and dignity of the Commonwealth of Virginia.
solicit, advertise and receive orders for spirit liquors, against
keep, store and expose for sale, give away, transport, dispense,
County of Rockingham, and unlawfully manufacture, sell, offer,
next prior to the finding of this indictment, in the said
County of Rockingham, and present that E. D. Pence, within one
he said jurors in and for the body of said County.

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 *H. D. Brown*, a *State Inspector* of the said ^{City} County has this day made complaint and information on oath before me *Sheffey Deaver* ^{J.P.} 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 & out buildings* (Here describe the place, house, room or boat, as the case may be) by one *E. D. Pence* (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 *E. D. Pence* (Give name; if name unknown, say, "Whose name is to the information unknown") in a certain *dwelling house & 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 *21* day of *May* 192*3*

Sheffey Deaver (SEAL)
J.P.
Title of Magistrate.

*State of Virginia
 City of Harrisonburg 370-wit.
 person called [unclear] [unclear]
 married [unclear] [unclear]
 next one for further [unclear] [unclear]
 jury to [unclear] [unclear]
 then [unclear] [unclear]
 Recognized in [unclear] [unclear]
 600/ord with C.A. Williams
 as security*

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 the 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 cans, worms, 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 sufficient report.)

4. A copy of this warrant and the return thereon must be posted at the front door of the house, on the door of the room, or on the premises at the place the Ardent Spirits may be found.

See Sections 2, 1-2, 23, 24-1-2, 57 and 58 of Acts of Assembly, 1918, Page 578

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia
 vs.
E.D. Pence

Executed the within warrant this *21st* day of *May*, 192*3*, by searching the within stated *1 house*
 (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
3 1/2

*3 gals. Ardent Spirit
 (5-gals)*

Given under my hand this *21st* day of *May*, 192*3*
J.H. Lambert Jr
 Prohibition Inspector

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

*J.H. Brown Prob. Inspector
 J.L. Disting Federal*

Other than above stated the following are witnesses:

*Costs
 Warrant \$1.00*

This matter set for hearing on the _____ day of _____, 192*3*
Recognizance 1.00

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.
Fee 1.50

Given under my hand this _____ day of _____, 192*3*
 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*3*
 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 of Virginia---City, County of, *Rockingham* to-wit

WHEREAS, *H. D. Brown* a *State Inspector* of the said County City
(Here insert name of affiant or affiants)

has this day made complaint and information on oath before me *Shepley L Lewis*
Name of Magistrate. Title: *J.P.*

of the said County City that he verily believes for the reasons hereinafter stated in the said County City and State:

(a) Ardent spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used, and concealed,

in a certain *dwelling house & outbuildings*
(Here insert description of the place, house, room, or boat, as the case may be)

by one *G. D. Pence*
(Give name, or say, "Whose name is to the informant unknown")

(b) A still, still cap, worm, tubs, fermenters and other appliances 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 *G. D. Pence*
(Give name, or say, "Whose name is to the informant unknown")

in a certain *dwelling house & outbuildings*
(Here describe the place, house, room or boat, as the case may be)

(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, motor boat, package or baggage, or what not)

by one *(Give name, or say, "Whose name is to the informant unknown")*

And there being reasonable and probable cause for such belief, on account of the following facts stated by the affiant and others, to-wit: that

Informant unknown

This is to certify that I have this day issued a search warrant to search the said *dwelling house*
(Here say place house, room, boat,

& outbuildings
auto or baggage, or as the case may be)

for the said *(Here state what is to be searched for as, "Ardent Spirits," still, still cap, mash or what not)*

Given under my hand this *21* day of *May*, 192*3*

Shepley L Lewis
Title of Magistrate.

Return to clerk

Handwritten notes and signatures on the left page, including a large signature at the top and various illegible entries below.

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

Commonwealth of Virginia

vs.

E. D. Pence

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.....

By..... Clerk.
D. C.

Vertical handwritten text on the right page, including a signature and various illegible entries.

Commonwealth of Virginia---City, County of

STATE NORMAL SCHOOL
HARRISONBURG, VA.

CHEMICAL LABORATORY

REPORT OF ANALYSIS

THE SAMPLE OF SUBMITTED BY
..... FOR THE DETERMINATION
OF SHOWS THE
FOLLOWING ANALYSIS:

To J. F. Blackburn, Clerk of the Court
of Rockingham County:
Commonwealth vs. E. D. Pence

To Analysis of Alcoholic Beverage --- \$7.00

REMARKS:

I HEREBY CERTIFY THAT THE FOREGOING ANALYSIS IS CORRECT TO
THE BEST OF MY KNOWLEDGE.

DATE

May 23,

1923

J. C. Johnston

ANALYST

STATE NORMAL SCHOOL

HARRISONBURG, VA.

CHEMICAL LABORATORY

REPORT OF ANALYSIS

THE SAMPLE OF _____ SUBMITTED BY _____

FOR THE DETERMINATION _____

FOLLOWING ANALYSIS:

*Wm. J. Blackman, Clerk of the Court
 Washington County
 University of E. D. Pace*

*Wm. J. Blackman, Clerk of the Court
 Washington County
 University of E. D. Pace*

*Wm. J. Blackman, Clerk of the Court
 Washington County
 University of E. D. Pace*

Car

or

Ed Pinner

REMARKS:

I HEREBY CERTIFY THAT THE FOREGOING ANALYSIS IS CORRECT TO THE BEST OF MY KNOWLEDGE

DATE *May 23, 1923*

ANALYST *Wm. J. Blackman*

In the Name of the Commonwealth of Virginia:

J. F. Blackburn
To the Sheriff of ~~Rockingham~~ *Richmond* County, Greeting:

You are hereby commanded to summon

*J. L. Livingston, H. D. Brown, &
J. E. Lambert*

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 *28th* day of *June* 19*23* to testify and the truth to say in behalf of the Commonwealth against

Roder Lander & E. A. Pence

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 *25* day of *June*, 19*23*, and in the 14*7*th year of the Commonwealth.

J. F. Blackburn, Clerk.

Cam
vs

In the Name of the Commonwealth of Virginia:
Western County, District:
E. D. Pence

You are hereby commanded to return
to appear before the Judge of the Circuit Court of Rockingham County, of the Court
House thereof, at 10 o'clock a.m., on the 13th day of June, 1895
to testify and the trial to say in behalf of the Commonwealth against
John H. Pence
who stands charged with the said indictment for a felony violation
and that the said John H. Pence shall not omit under the penalty of \$100. And have then
Witness, A. F. HICKERBY, Clerk of our said Court, at the Court House, the
15th day of June, 1895, and in the 14th year of the Commonwealth.
A. F. HICKERBY, Clerk.

160

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*J. L. Dinting W. D. Brown
J. E. Lambert*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a.m., on the *18th* day of *June* 19*23* to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

E. D. Pence

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 *13* day of *June*, 19*23*, and in the *147* year of the Commonwealth.

J. F. Blackburn, Clerk.

Commonwealth
vs.

E. D. Pence

Grand Jury

RECEIVED FILE \$1.50

Presented as to J. T. Airtling, W. D. Brown
and J. E. Lamborn

August Terns 1923.
E. D. Pence

ads. Misdeemeanor
Commonwe alth

Cont to Aug tern
1923

Vol pros
8/21/23

