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 Ernest H. Bazzle, 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 Ernest H. Bazzle, 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 Ernest H. Bazzle, 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 J. L. Dirting, D. H. Dofflemyer, and W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused Ernest H. Bazzle, guilty as charged in the indictment and fix his punishment at three months in jail and a fine of $100.00

J. L. Armstrong
Foreman

We the jury find the accused Ernest H. Bazzle, guilty as charged in the indictment and fix his punishment at three months in jail and a fine of $100.00

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J. L. Armstrong
Foreman

Prohibition - B.I.

Commonwealth

v) Indictment

Ernest H. Bazzle

Misdemeanor

February term, 1927

A True Bill:

Jno. P. Burke
Foreman

D. W. Earman
Commonwealth's Attorney

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 W. T. Rexrode of the said County (City or County)

has this day made complaint and information on oath before me, F. J. Wagenbright, J. P. (Name of Magistrate, Title)

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

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

by one Peter Bazzle (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 ..... (Give name; if name unknown say "Whose name is to the informant unknown.")

in a certain ..... (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 18th day of December 1926.

F. J. Wagenbright (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 uatomobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be deliered 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. Peter Bazzle

Executed the within warrant this 24th 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 raresting 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
14½ gallons of ardent spirits

Given under my hand this 24th day of Dec 1926

H. T. Rexrode
Title
State Inspector

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

J. L. Whiting
W. H. Doffelmyer

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.

Refs

The jury are instructed that a reasonable doubt is such a doubt as may be honestly and reasonably entertained as to any substantial and material fact essential to prove the offense charged. Reasonable doubt must be based upon the evidence, or that is suggested by the evidence, or grows out of the evidence itself. It must not be an arbitrary doubt, without evidence to sustain it. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of material fact or facts necessary for the jury to believe to find a verdict of conviction, and not of immaterial and nonessential circumstances.

Williams v. Com. 85 Va. 609, 8 S. E. 470;
McCoy v. Com., 133 Va., 734, 112 S. E. 704;
McCue v. Com., 103 Va. 870; 49 S. E. 623.

Refs

The Court instructs the jury that the defendant is presumed to be innocent until his guilt is extablished by the evidence beyond all reasonable doubt. It is not sufficient that his guilt is probably only, or even more probable than his innocent. Nor can the defendant be convicted upon mere suspicion. No amount of suspicion, however strong, will warrant his conviction. But in order to convict the evidence of guilt must be so strong that there can be no theory from the evidence consistent with his innocence. - Smith v. Commonwealth, 116 S. E. page 246.

Com
v
Bartlett
Durham Co.
Prec 2

Arrest Warrant

COMMONWEALTH OF VIRGINIA, ROCKINGHAM COUNTY, } TO WIT:

To W. T. Rexrode State Inspector, or a Constable of said County:

Whereas, W. T. Rexrode " " of the said County, has this day made complaint and information on oath before me, F. J. Argenbright a Justice of the said County, that Peter Bazzle of the said County, on the 24th day of December 1926, in the said County, did unlawfully have in his possession One and a half Gallons of Ardent Spirits in Violation of the Prohibition laws of this Commonwealth,

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said Peter Bazzle to answer the said complaint and to be further dealt with according to law. And you are required to summon

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 24th day of December, in the year 1926

F. J. Argenbright J. P. (Seal)

No. 38

NEWS-RECORD CO., HARRISONBURG, VA.

Rockingham County, State of Virginia:
The offense specified before the undersigned being merely for trial
Earnest Hall Bazzle with J. W. Bazzle who was required in the
sum of $25.00 for his appearance, and Earnest Hall Bazzle
before F. J. Argenbright at his office at Mt. Clinton, Va. on Friday
the 24th day of December 1926 at 1 P.M. the said Peter Bazzle
be there to testify the truth and not depart the court without leave of
the Court.
Given under my hand this the 24th day of December 1926
F. J. Argenbright, J.P.

DISMISSED -

Commonwealth

vs. } Arrest Warrant

Peter Bazzle

Executed the within warrant by arresting and delivering the body of

Peter Bazzle

before F. J. Argenbright a Justice of Rockingham County, and by summoning the within named witnesses in person, this 24 day of Dec 1926

H. T. Rexrode

~~Constable of Rockingham County.~~

State Inspector.

Costs $3.00

Justice
Wit J. T. Rexrode
Doffleman
Layman.

Rockingham County State of Virginia.
Case heard and adjudged in that this warrant be dismissed at
Costs of the Commonwealth.
Given under my hand this the 30th day of December 1926
F. J. Argenbright, J.P.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

J. L. Dirting, Dewey Dofflemyer,
W. T. Ruebade & Miss Maude Bozzle

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*

Ernest H. Bozzle

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* 151 *year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

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

____ In person.

C. W. Dove, S.R.C.

Comm.

vs.

Ernest H. Bangle

Sheriff fee $2.00

Feb. 26, 1927

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

J. L. Dirting, D. H. Deffenbaugh &
W. T. Rifrade

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 21st *day of* Feb. *19* 27,
to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

Ernest H. Brozzle

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 14 *day of* Feb., *19* 27, *and in the* 151st *year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Com.

vs

Ernest A. Boyle

Sheriff fee $1.50

Feb. 21, 1927

Executed Feb. 14, 1927 by delivering a true Copy of the within Summons to the within named witnesses

_____ In person.

G. W. Dove, S. R. G.

H. H. Summers	3.10
J. C. Armstrong	2.50
Henry J. Hoffman	2.50
R. R. Sellers	3.10
~~Wm. J. Krempe~~	2.20
~~John W. Humphrey~~	2.60
Paul H. Buchong	3.50
	3.—
	19.50

	5.50
4 rd copies	25
2 Recog	3.00
	.50
1 rd	1.75
wit	60
	11.60
	2.35
	13.95

In the Circuit Court of Rockingham County,

.....*Term 190*.....,

.....*this day presented in Court an account against the Court of Rockingham for the sum of $*.....*, for Service*.....

.....

.....

which being sworn to, was examined and approved by the Court, and ordered to be certified to the Treasurer of this county for payment.

.....*Clerk.*

Form 192—Berlin.

We the Jury find the accused Ernest H. Bazzle guilty and fix his punishment at one hundred dollars fine and three months in jail

J. C. Armstrong
Foreman

In the Circuit Court of Rockingham County,

.....*Term 190*.....,

.....*this day presented in Court an account against the Court of Rockingham for the sum of $*.....*, for Service*.....

.....

.....

which being sworn to, was examined and approved by the Court, and ordered to be certified to the Treasurer of this county for payment.

.....*Clerk.*

Form 192—Berlin.

Feb. Term 1929 #369

Commonwealth

vs. } Misdr. (Bro.)

Ernest H. Bazzle

D. D. Summers

J. C. Armstrong

Henry G. Coppuan

R. R. Sellers

Paul H. Burkong

Sheriff fee

Arrest 11.50

Summons 3.50

Search warrant 1.00

Imp. Jury 1.50

$17.50

Bushnell

QUALITY WORKMANSHIP

20-4446