

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors of the Commonwealth of Virginia in and for the body of said county of Rockingham and now attending said Court at its April term, 1930, upon their oaths do present that Fred Miller, within one year next prior to the finding of this indictment, in said county, did unlawfully receive and have in his possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of ~~W. H. Fletcher~~, Captain Dinges, and W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence.

Poss ✓

Com

v
Fred Miller

Misdemeanor
April term, 1930

A True Bill:

J. H. Leeth
Foreman

22 - 90 days + 50

D. W. Earman
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The Grand Jurors of the Commonwealth of Virginia in and

FOR THE BODY OF SAID COUNTY OF ROCKINGHAM AND NOW ATTENDING IN
Court and sent before the Grand Jury to give evidence.
Fletcher, Captain Dinges, and W. T. Rexford, witnesses sworn in
This indictment is found on the testimony of
Commonwealth of Virginia.
possession of said
indictment, in said
Fred Miller, within one year next
Court at its April term 1930, upon their oaths do present that
fully receive and have in his

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

BE IT REMEMBERED that on the 19th day of Apr. 1920,

Mrs Ethel Miller & Fred Miller
came before me J. H. Bruce

of the said county of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said

Five Hundred in the sum of _____ Dollars,

good and lawful money of the United States, ~~and the said~~
~~in the sum of~~ _____ Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said

Fred Miller shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Fred Miller

do and shall personally appear before the Circuit Court of Rockingham on the 10th day of the Apr. Term next

thereof, being the 21 day of Apr 1920, at the Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain Mrs whereof the said Fred Miller stands charged, and shall not

depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.

J. H. Bruce J.P.

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

By its authorized agent on the _____ day of _____ 1889,
_____ came before me _____
of the said county of Rockingham, and severally and respectively acknowledged themselves to be in-
debted to the Commonwealth of Virginia, in manner and form following, that is to say: the said
_____ in the sum of _____

_____ good and lawful money of the United States, and the said
_____ in the sum of _____
_____ severally waived the benefit of their Homestead Exemption as to this obligation, and waived any
claim or right to discharge any liability to the Commonwealth arising under this recognizance with
coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said
_____ shall make default in the performance of the
_____ conditions underwritten.

The condition of the above recognizance is such that if the above bound
_____ do and shall personally appear before the Circuit
Court of Rockingham on the _____ day of the _____ Term next
forth, being the _____ day of _____ 1889 at the Court-house thereof,
and then and there answer the Commonwealth of Virginia concerning a certain _____
whereof the said _____ stands charged, and shall not
default thereon without the leave of said Court, then the above recognizance shall be void and of no
effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.

*from
T
Died Miller*

[Signature]

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

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

WHEREAS *W. J. Rexrode* of the said City County

has this day made complaint and information on oath before me, *D. H. Bruce*, J.P. 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 *Garage & Filling Station & Store Room* Here describe the place, house, room or boat, as the case may be by one *Miller Bros.* 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 *19* day of *Apr* 192*0*

D. H. Bruce J.P. (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. *Miller Bros.*

Executed the within warrant this 19th day of April, 1920, by searching the within stated Premises

Here state house, room, piece

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 Half gallon of Liqueur,
10 bottles of Home Brew.

Given under my hand this 19th day of

April, 1920.
H. G. Rexrode.
State Prob. Inspector Title

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

H. H. Fletcher,
W. R. Dinges,

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.

APR 1930

#724

Sherry Cont
Arrest \$10.00
Summons 1.50
Committee fee 50
Apr 22-30 \$12.00

COMMONWEALTH

VS.) Misdemeanor (Pro.)

FRED MILLER

Trid -
3 new & fine 5.00

S.W. - Bmcc



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