

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 October term, 1927, upon their oaths do present that Arthur Lay, 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 J. L. Dirt-  
ing and W. E. Thurber, witnesses sworn in Court and sent before  
the grand jury to give evidence.

Possession of still

Commonwealth

v) Indictment

Arthur Lay

Misdemeanor

October term, 1927.

A True Bill:

*J. C. C. [Signature]*  
Foreman

*True by Judge*

*60 days + \$500*

*W. T. Ryerson*  
*Pro Sec.*

D. W. Earman  
Commonwealth's Attorney

County of Rockingham  
VIRGINIA ~~Town of Elkton~~, To-wit:

BE IT REMEMBERED THAT THIS DAY Arthur Lee  
J. F. Morris  
L. H. Bruce ~~Justice of the Peace~~  
came before me, ~~H. B. C. Gentry, Mayor of the Town of Elkton, Virginia~~, and severally and  
respectively acknowledged themselves to be indebted to the Commonwealth of Virginia in the  
sum of 500<sup>00</sup> dollars, that is to say the said

in the sum of \_\_\_\_\_ dollars, and the said  
in the sum of \_\_\_\_\_ dollars, to be levied of their respective goods and chattels,  
lands and tenements for the use of the Commonwealth rendered, at the same time waiving their  
Homestead Exemption as to this obligation, and all claim or right to discharge any liability arising  
to the Commonwealth under this reconizance with coupons detached from the bonds of this state;

YET UPON THIS CONDITION that if the said Arthur Lee  
The Grand Juror of Rockingham  
shall personally appear before ~~H. B. C. Gentry, Mayor of the Town of Elkton, Virginia~~, on the  
1st day of Oct, 1927, at Harrisburg  
in the 17<sup>th</sup> Oct 1927 then and there to answer the Commonwealth for and  
concerning a certain Mis of which he stands Closed and  
shall not depart therefrom without leave of said court, then this reconizance shall be void, other-  
wise to remain in full force and virtue.

Sealed with the following seals and dated this 19 day of Oct 1927

W. J. H. B. Rexrode.

Arthur Lee (SEAL.)  
J. F. Morris (SEAL.)  
not

TAKEN AND ACKNOWLEDGED before me this 19 day of

Aug 1927

L. H. Bruce J.P.  
Mayor, Town of Elkton, Virginia.

The foregoing reconizance is certified to the Clerk of the Circuit Court of Rockingham  
County, Virginia.

L. H. Bruce J.P.  
Mayor, Town of Elkton, Virginia.

VIRGINIA, Town of Elkton, To-wit:

BE IT REMEMBERED THAT THIS DAY

came before me, John H. [illegible], Mayor of the Town of Elkton, Virginia, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia in the

sum of 200 dollars, that is to say the said

in the sum of 200 dollars, and the said

to be liable of their respective bonds and chattels

and to be liable for the use of the Commonwealth rendered, at the same time waiving their Homestead Exemption as to this obligation, and all claim or right to discharge any liability arising to the Commonwealth under this recognizance with coupons detached from the bonds of this state;

YET UPON THIS CONDITION that if the said

shall personally appear before H. B. C. [illegible] Mayor of the Town of Elkton, Virginia, on the

17-450  
5/22/1927  
5/22/1927  
5/22/1927  
5/22/1927

in the 17-450 and there to answer the Commonwealth for and

concerning a certain 17-450 of which he stands guarantor and

shall not depart therefrom without leave of said court, then this recognizance shall be void, other-

wise to remain in full force and virtue.

Sealed with the following seals and dated this 19 day of Oct 1927

[illegible] (SEAL)

[illegible] (SEAL)

TAKEN AND ACKNOWLEDGED before me this 19 day of Oct 1927

[illegible]

Mayor, Town of Elkton, Virginia.

The foregoing recognizance is certified to the Clerk of the Circuit Court of Rockingham County, Virginia.

[illegible]

Mayor, Town of Elkton, Virginia.

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 *R. H. Bruce*,  
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 *Dewberry House & Out Building*.

Here describe the place, house, room or boat, as the case may be  
by one *Arthur Lang*.  
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 *16* day of *Aug* 192*7*

*R. 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.

*Arthur Lay*

Executed the within warrant this *19th* day of *Aug.*, 192*7*, 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 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 *1-5 gal. still,*  
*1 copper cap,*  
*1 worm,*  
*1/2 gal. of liquor.*

Given under my hand this *19th* day of

*Aug.*, 192*7*,  
*J. W. T. Penrod*  
*State Inv.*

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 are carried.

**Commonwealth of Virginia:**

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

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

**J. L. Dirting and W. E. Thurber**

*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* **17th** *day of* **October,** *19* **27**  
*to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY*  
**vs. Arthur Lay**

*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* **October** *19* **27**, *and in the* **152d** *th year of the Commonwealth.*

*J. F. Blackburn*, Clerk

Executed Oct. 12, 1927 by delivering a true Copy of the

within Summons to the within named witnesses  
in person.

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

Commonwealth

VS

Arthur Lay

Sheriff fee 1.00

Oct. 17/27

#445

Sheriff Costs

Summons \$1.00

COMMONWEALTH

VS.

Misd. (Pro.)

ARTHUR LAY

Tried by Judge

60 days \$50.00

W. T. Russell \$50.00 for still

Oct 18<sup>th</sup>



20-4446