

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The jurors of the Commonwealth of Virginia in and for the body of said county of Rockingham and now attending said Court at its October term, 1932, upon their oaths do present that James Higgins, who was heretofore convicted of violating the Prohibition Laws of the State of Virginia, in the Mayor's Court at Harrisonburg, Virginia, to-wit, on December 3, 1928, and who then and there was sentenced to pay a fine of fifty dollars, did on or about September 27, 1932, in said county, unlawfully have in his possession about three pints of ardent spirits (moonshine liquor), against the peace and dignity of the Commonwealth of Virginia.

✓ This indictment is found on the testimony of John Logan and S. F. Newman, witnesses sworn in Court and sent before the grand jury to give evidence.

Oct-19

Commonwealth

v) Indictment

James Higgins

J.G.

Misdemeanor

October term, 1932

A True Bill:

*Clayton Price*  
Foreman

Witnesses ✓ John R. Logan  
S. F. Newman

D. W. Earman  
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA  
COUNTY OF ROCKINGHAM, fo-wit:  
In the Circuit Court of said County:

fore the Grand Jury to give evidence.  
Logan and S. F. Newman, witnesses sworn in Court and sent be-  
fore the Grand Jury to give evidence.  
This indictment is found on the testimony of John

Arrest Warrant

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

*Hamblin*

To *J. R. Logan City Police*, a Constable of said County:

Whereas, *J. R. Logan* of the said *City* County, has this day made complaint and information on oath before me, *R. S. Dwyer* a Justice of the said *City* County, that *James Higgins* of the said *City* County, on the *27* day of *Sept*, 193*2*, in the said *City* County, did *unlawfully*

*have in his possession about 3 Pints of Ardent Spirits the said James Higgins having been arrested heretofore and awaiting the action of the Grand Jury for violating the prohibition laws of this State against the peace & dignity of Commonwealth of Va*

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

*James Higgins* to answer the said complaint and to be further dealt with according to law. And you are required to summon *John R. Logan* *G. F. Newman*

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

Given under my hand and seal this *27* day of *Sept*, in the year 193*2*.

*R. S. Dwyer* J. P. (Seal)

**JUDGMENT**

*James Higgins*  
 Upon the examination of the within charge,  
 I find the accused *James Ward*  
 a *breaching to give me*  
*R. S. Tump City of Henningham*  
*the same James Higgins*  
*was placed in jail to*  
*await action of the*  
*next Grand Jury*

Fine	- - - - -	\$ <del>500</del>
Clerk's Fee	- - - - -	\$ 250
Justice's Fee	- - - - -	\$ 500
Arrest	- - - - -	\$ 1000
Summoning Witness	- - - - -	\$
Witness Attendance and Mileage	- - - - -	\$
Commonwealth's Attorney	- - - - -	\$ 1000
Jail Fees	- - - - -	\$
Total	- - - - -	\$ 2550

*R. S. Tump*  
 Justice of the Peace

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

I, ....., a Justice of the Peace in and for the County of Rockingham, State of Virginia, do hereby certify that ..... and ..... as his suret..... have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of..... Dollars (\$.....) to be made and levied of their goods and chattels, upon this condition: That the said..... shall appear before the undersigned or the Circuit Court of Rockingham County, on the.....day of....., 193..., and not leave hence without leave of the said Court, to answer the charge in this warrant, or to await the action of the Grand Jury of the said County upon the within charge.

Given under my hand this, the.....day of....., 193.....

....., J. P.

Commonwealth }  
 vs. } Arrest Warrant

*James Ward*  
*vs.*  
*James Higgins*

Executed the within warrant by arresting and delivering the body of

before ..... a justice of Rockingham County, and by summoning the within named witnesses in person this.....day of.....193.....

Constable of Rockingham County

*Commonwealth of Virginia,  
Rockingham County, To-Wit:*

BE IT REMEMBERED, that on the 30th day of August, 1932,

James Higgans, principal and John E. Shirkey  
surety, who justified to his sufficiency, came before me, Sheffey L. Devier.

Bail Commissioner  
(J. P. or Bail Commissioner), of the said County of Rockingham,  
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of

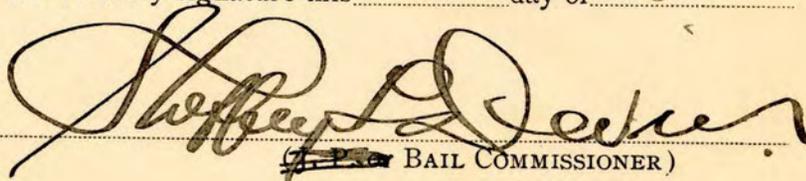
TWO HUNDRED FIFTY Dollars, (\$ 250.00),

to be levied of their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waved their homestead exemption to their recognizance; yet upon this condition:

That if the said James Higgans shall personally appear before the Circuit Court of Rockingham County, at the Courthouse of said County, on the 1st day of the October 1932 Term thereof, being the 17th day of October, 1932, and at such other time or times to which the proceedings may be continued or further heard, and before any court or judge hereafter having or holding any proceedings in connection with the said charge, and then and there answer the Commonwealth of Virginia concerning a certain misdemeanor whereof the said James Higgans stands charged, and be bound under said recognizance until the charge is finally disposed of or until it is declared void by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 30 day of August

, 19 32.

  
(~~J. P.~~ BAIL COMMISSIONER)

Commonwealth of Virginia,  
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 30th day of August, 1933,

James Higgins, principal and John H. Shirley, sheriff, who justified to his authenticity, came before me, \_\_\_\_\_ of the said County of Rockingham,

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of

\_\_\_\_\_ Dollars, (\$ 250.00)

to be levied in their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waved their homestead exemption to their respective goods and chattels, lands and tenements, and upon this condition:

That if the said James Higgins shall pay to the Clerk of the Circuit Court of Rockingham County, at the Courthouse of said County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1933, the sum of \_\_\_\_\_ Dollars, and at such other time or times to which the proceedings may be carried on, the sum of \_\_\_\_\_ Dollars, and before any court or judge hereafter having or holding any proceedings in connection with the said charge, and then and there answer the Commonwealth of Virginia, and the said \_\_\_\_\_ whereof the said \_\_\_\_\_

and at such other time or times to which the proceedings may be carried on, the sum of \_\_\_\_\_ Dollars, and before any court or judge hereafter having or holding any proceedings in connection with the said charge, and then and there answer the Commonwealth of Virginia, and the said \_\_\_\_\_ whereof the said \_\_\_\_\_

declared void by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full force and effect.

In Witness Whereof, I hereunto affix my signature this \_\_\_\_\_ day of August, 1933.

\_\_\_\_\_  
(Bail Commissioner)

*James Higgins*  
*\$250.00*  
*To Oct - 1933 term*  
*Circuit Court*

Commonwealth of Virginia—City, County of,

to-wit:

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

WHEREAS John L. Logan of the said City/County has this day made complaint and information on oath before me, R. B. L. Dwyer, 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 Drunken House & Cell building, Here describe the place, house, room or boat, as the case may be

by one James Heggers 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 James Heggers Give name, if name unknown, say, "Whose name is to the informant unknown" in a certain Drunken House & Cell building on Federal St 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 27 day of Sept 1932 R. B. L. Dwyer (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 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, 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.

*James Higgins*

Executed the within warrant this 27 day of Sept 1934 by searching the within stated North Federal st  
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

Description of Ardent Spirits and others things seized about 3 Pt

Given under my hand this 27 day of Sept 1934

*J.P. Newman*  
*J.C.R. Lawley* Title

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

*John A Logan*  
*J.P. Newman*

Other than above stated the following are witnesses:

This matter set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_\_

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 \_\_\_\_\_, 193\_\_\_\_\_

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 \_\_\_\_\_, 193\_\_\_\_\_

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.

CIRCUIT COURT OF ROCKINGHAM COUNTY

OCT 17 1932

..... Term, 19.....

..... *J. P. Logan* .....

has been sworn in open court as a witness before the Grand  
Jury.

..... *Robert Switzer* .....

Clerk.

CIRCUIT COURT OF THE DISTRICT OF COLUMBIA

Term, 19

has been sworn in open court & witness before the Grand

Subj.

#1072

OCT 1932

Sheriff Cost  
 arrest 10<sup>00</sup>  
 minor fines 3<sup>00</sup>  
 Over fee 50  
 \$ 13<sup>50</sup>

COMMONWEALTH

v. J. ) Misdemeanor (Pro.)

JAMES HIGGINS J.

6 mo. + 25<sup>00</sup>

Oct. 19

