

October term, 1919.

Map Law.

**COMMONWEALTH**

vs. **Indictment**

Lurty Bare

~~XXXXXXXXXXXX~~

**For Felony**

**For Misdemeanor**

**A TRUE BILL**

H. P. R. Steamer

**Foreman**

Copras ✓

Harry M. Strickler  
Commonwealth's Attorney.

Commonwealth of Virginia

County of Rockingham, to-wit:

In the Court of said County:

The Grand Jury of the Commonwealth of Virginia, in and for the County of Rockingham, do hereby certify that the within and foregoing is a true and correct copy of the indictment returned by the Grand Jury of the County of Rockingham, Virginia, on the 10th day of October, 1919, against the within and foregoing named defendant.



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 the County of Rockingham, and now attending the Circuit Court of said county, <sup>at its October term, 1919,</sup> UPON THEIR OATHS PRESENT, that Lurty Bare within one year next prior to the finding of this indictment, in said County, 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.

AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that Lurty Bare within one year next prior to the finding of this indictment, in said County, did unlawfully give ardent spirits to one Lloyd Turner, a minor under the age of twenty one years, against the peace and dignity of the Commonwealth of Virginia.

AND THE JURORS AFORESAID, UPON THEIR OATHS AFORESAID, DO FURTHER PRESENT, that Lurty Bare, within one year next prior to the finding of this indictment, in said County, did unlawfully give ardent spirits to one Hoy Miller, a minor under the age of twenty one years,

against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Roy Hess.

Ward Turner, Lloyd Turner, John Hess,  
witnesses sworn in Court and sent before the Grand Jury to give Hoy Miller  
evidence.



Virginia, Rockingham County, towit;

Be it remembered that this day Lurty Base and  
Calvin Base came before me, H. W. Bertram, Bail  
Commissioner for Rockingham County, and severally and respectively  
Acknowledged themselves indebted to the Commonwealth of Virginia  
in the sum of \$ 500<sup>00</sup> 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 exemptions as to  
this obligation, and any right to discharge any liability arising  
to the Commonwealth of Virginia under this recognizance. with  
coupons detached from the bonds of this state:

YET UPON THIS CONDITION, that if the said Lurty Base  
~~shall personally appear~~ who <sup>under a capias issued in the</sup> has surrendered to the Sheriff of this County shall  
<sup>of the Circuit Court of Rockingham County</sup> personally appear at the first day of the next term (February 1921), then  
and there to answer the Commonwealth for and concerning murder  
of which he stands charged 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.

Before entering into said recognizance said surety justified  
as to his sufficiency.

Taken and acknowledged this 26 day of January 1921.

H. W. Bertram B. B.

Certified to the Clerk of the Circuit Court of Rockingham County.

Circuit Court of Rockingham  
County Virginia



*Paul Beagum...*

Virginia, Rockingham County, to-wit: July 10th 1891  
Be it remembered that this day John W. Beagum  
came before me, H. W. Beagum, Bell

Commissioner for Rockingham County, and severally and respectively  
acknowledged themselves indebted to the Commonwealth of Virginia

in the sum of \$800 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 exemptions as to  
this obligation, and any right to discharge any liability arising  
to the Commonwealth of Virginia under this recognizance, with  
coupons detached from the bonds of this state:

YET UPON THIS CONDITION, that if the said John W. Beagum  
personally appear at the first day of the next term of the Court  
and there to answer the Commonwealth for and concerning

of which he stands charged 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.

Before entering into said recognizance said surety justified  
as to his sufficiency.

Taken and acknowledged this 10 day of July 1891.  
John W. Beagum J. S.

Certified to the Clerk of the Circuit Court of Rockingham County.

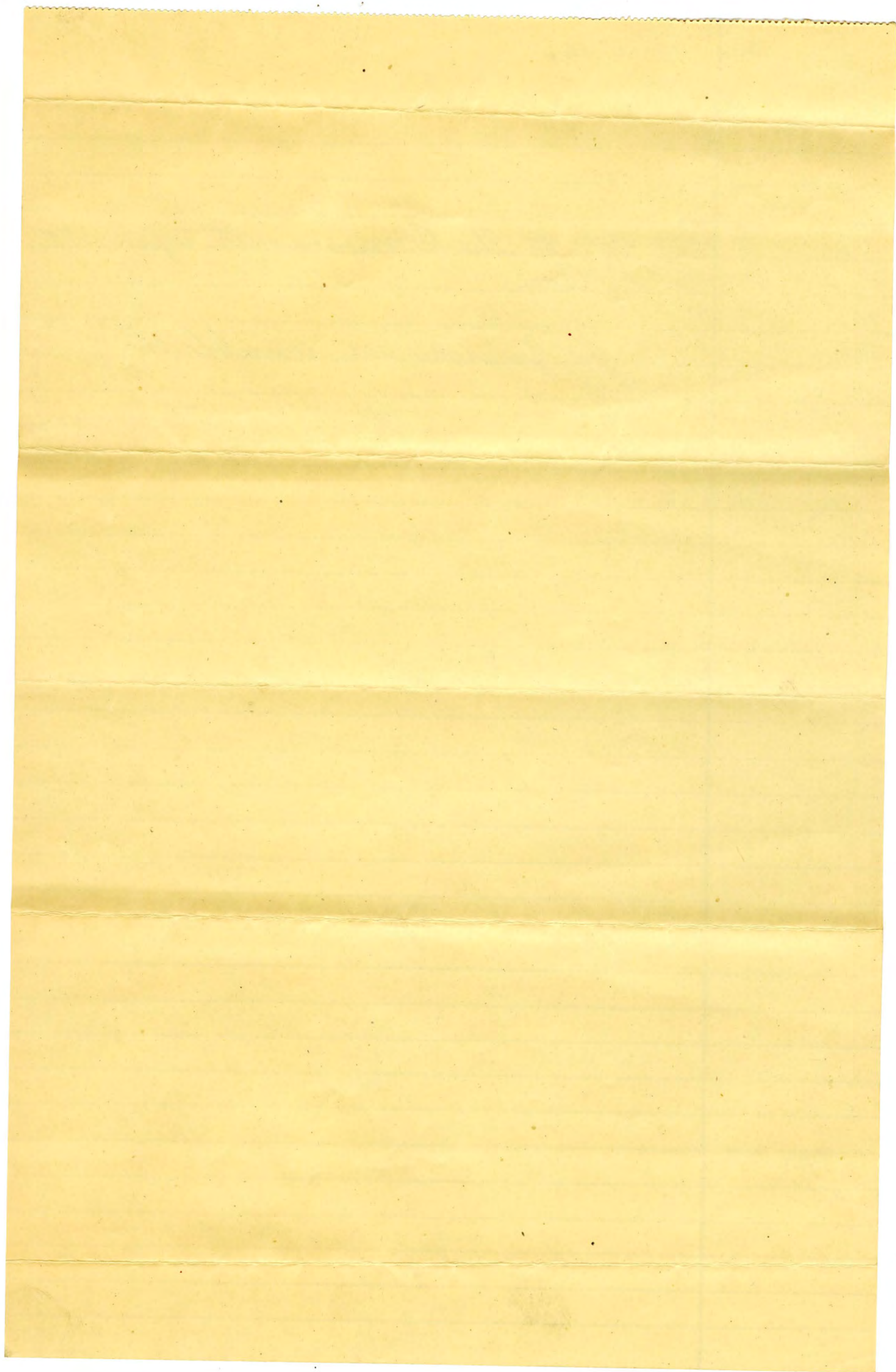


In Case of The Commonwealth against  
Lusty Bare

We the Jurors are unable to  
agree

J M Hilbert Foreman





This information is denied—  
did or did not witness  
testify yesterday that this  
fluid had an alcoholic effect?

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In the case of the Commonwealth against  
Lurty Bare

When the Jurors fail to reach any  
agreement



*Page*

Commonwealth

v. Instruction No. 2.

Larry Barr.

The court instructs the jury that to justify

a verdict of guilty it is not sufficient that the evidence cre-

ate a suspicion or probability of guilt; it must exclude

every reasonable hypothesis except that of guilt.

The guilt of a party is not to be inferred because the

facts are consistent with his guilt, but they must be inconsis-

tent with his innocence.

Wooden v. Comwith, \_\_\_\_\_ Va., \_\_\_\_\_, 88 S.E. 304

Haristons Case 97 Va. 757

Barton & Gondeast v. Comwith, 108 Va., 893



Ref.

Commonwealth

v. Instruction No. 2.

Lurty Bare.

The court instructs the jury that to justify a verdict of guilty it is not sufficient that the evidence create a suspicion or probability of guilt ; it must exclude every reasonable hypothesis except that of guilt .

The guilt of a party is not to be inferred because the facts are consistent with his guilt , but they must be inconsistent with his innocence .

Wooden v. Comwlth . \_\_\_\_\_ Va. \_\_\_\_\_ , 86 S.E. 304

Haristons Case 97 Va. 757

Burton & Conquest v. Comwlth . 108 Va. ,892

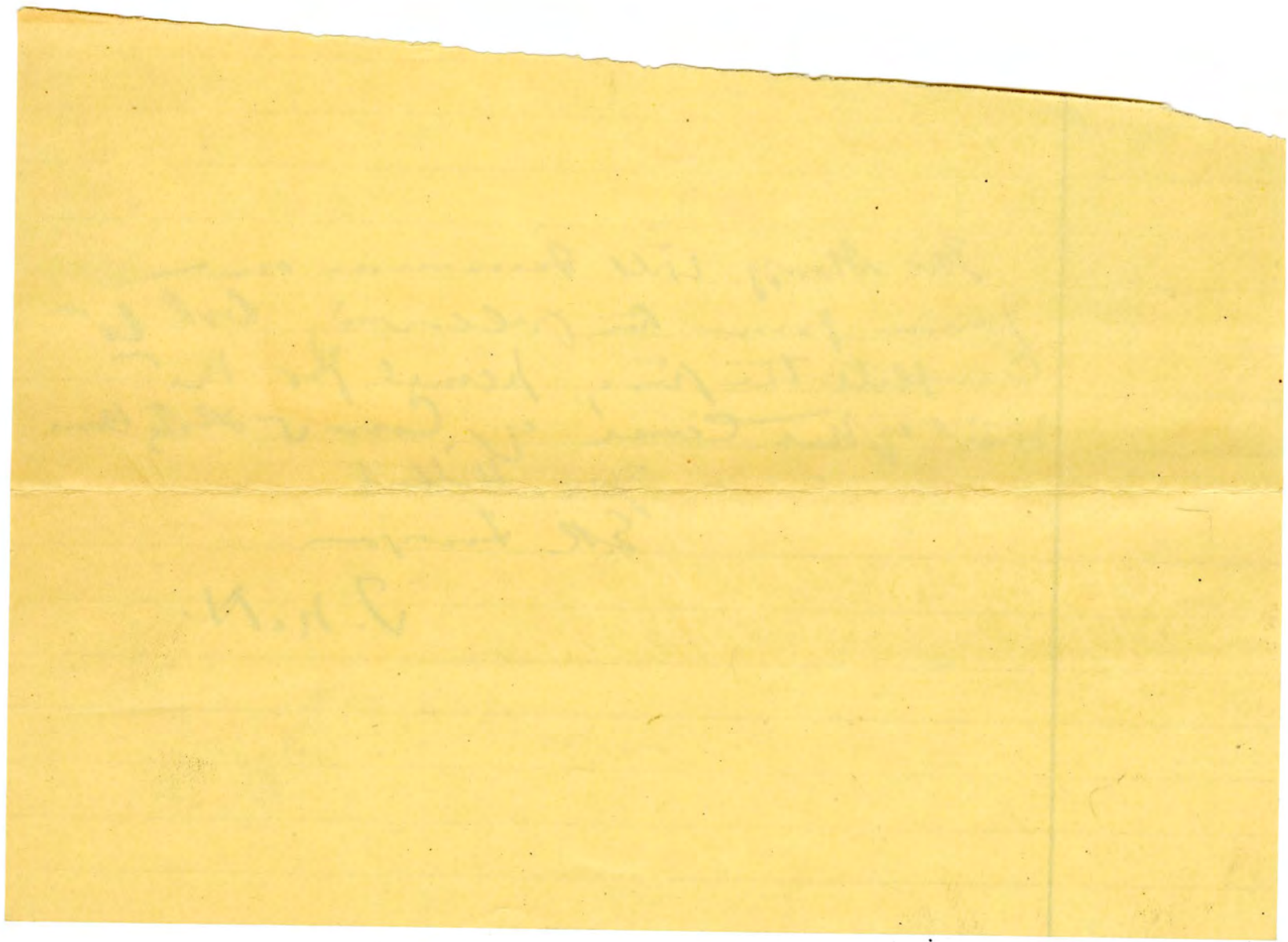


The story will be in our  
journal from the following book to  
complete the story period for the  
month of the case of Carr & Lutz Bone

J. H. Herbert  
E. R. Simpson

J. H. N.







Commonwealth

v.

Instruction No. 1

Lurty Bare

The court instructs the jury that the accused is presumed by the law to be innocent until his guilt has been proven ,by the evidence , beyond all reasonable doubt .

If the evidence should leave on the mind of the jury any reasonable doubt that the liquid shown to have been carried and dispensed by the accused <sup>Contained</sup> ~~did not contain~~ more than one half of one percent of alcohol , by volume , then their/ verdict should be not guilty .



EXHIBIT

Commonwealth

Instruction No. 1

v.

Harry Barr

The court instructs the jury that the accused is presumed by the law to be innocent until his guilt has been proven, by the evidence, beyond all reasonable doubt.

If the evidence should leave on the mind of the jury any reasonable doubt that the liquid shown to have been carried and analyzed by the court contained a certain percentage of alcohol, then their verdict should be not guilty.



*Commonwealth*  
*1919*  
*Lucy Bane*

*Handwritten notes and signatures on the right margin, including names like 'J. F. Blackburn' and 'Clerk'.*

The Commonwealth of Virginia,

To the Sheriff of Rockingham County, Greeting:

We command you, that you take Lucy Bane if he be found within your County, and him safely keep, so that you have his body before the Circuit Court of Rockingham County, at the Court House forthwith to answer us of a certain Misdemeanor whereof he stands indicted. And have then and there this writ.

Witness J. F. Blackburn, Clerk of our said Court at the Court House the 20<sup>th</sup> day of Oct. 1919 in the 144th year of the Commonwealth.

J. F. Blackburn Clerk.



Lusty Bear Surrendered to me on Jan  
26-1821 - I have a delword him before #W  
Boston Bail Commissioner For the County of  
Pacting him this the 26 day of Jan 1821  
W. D. Hillard S.R.

Commonwealth  
vs.  
Lusty Bear



~~July~~

April Term 1921

DOCKET NO. \_\_\_\_\_ FILE NO. \_\_\_\_\_

Commonwealth

VS { IN Misdemeanors }

Surety Bond

p. q.

p. d.

FINAL ORDER \_\_\_\_\_ 191 \_\_\_\_\_

1919 PROCEEDINGS

Memo:	Filed.	Process Issued.
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October Term

#

Nol Pros

April Term 1921



J. N. Berry  
J. P. Yager  
James Beeson  
F. A. Hewitt  
W. T. Adams  
C. E. Amment  
J. M. Hillert

1.50  
1.50



637-34