

we the jury find the defendant, Luther Mowbray, guilty as charged in the indictment and give her punishment at our mouth in jail and a fine of \$50.00 -

H. A. Hurler

Bnd  
in per to  
\$5,000.00

COMMONWEALTH OF VIRGINIA,  
Foreman

COUNTY OF ROCKINGHAM, VA-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,

Commonwealth  
v) Indictment  
Luther Mowbray

Misdemeanor

October term, 1925

A True Bill:

*D. B. Mays*  
Foreman

D. W. Earman  
Commonwealth's Attorney

Virginia. The jurors aforesaid upon their oaths aforesaid do against the peace and dignity of the Commonwealth of Virginia, did unlawfully have in his possession aforesaid, do to the finding of this indictment, in the said County of Rock- further present that Luther Mowbray, within one year next prior against the peace and dignity of the Commonwealth of Virginia, did unlawfully receive aforesaid upon their oaths aforesaid, do to the finding of this indictment, in the said County of Rock- further present that Luther Mowbray, within one year next prior against the peace and dignity of the Commonwealth of Virginia, did unlawfully receive aforesaid upon their oaths aforesaid, do to the finding of this indictment, in the said County of Rock-

and sent before the Grand Jury to give evidence.  
Myer, John G. Funk and W. T. Rexrode, witnesses sworn in court  
This indictment is found on the testimony of D. H. Dottle-



Commonwealth of Virginia--City, County of Spking Lane to-wit:

WHEREAS J. L. Wirtling Chief Fed Agent of the said C City or County

has this day made complaint and information on oath before me, M. L. Larchau, J.P. Name of Magistrate Title

of the said C City or County that he verily believes for reasons hereinafter stated in the said C and State

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

by one Luther Mowbray 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 Luther Mowbray Give name; if name unknown say "Whose name is to the informant unknown."

in a certain dwellling house & outbuildings 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 and probable cause for such belief, on account of the following facts stated by the affiant and others, to-wit: that Luther Mowbray has liquer stored in his buildings for sale, as cars go to his house late at night.

This is to certify that I have this day issued a search warrant to search the said dwellling house & out buildings Here say place, house, room, boat auto or baggage, or as the case may be

for the said liquor Here state what is to be searched for as, "Ardent Spirits," still, still cap, mash or what not.

Given under my hand this 17 day of August 1925,

M. L. Larchau J.P. Title of Magistrate.



**AFFIDAVIT FOR A WARRANT TO SEARCH  
FOR ARDENT SPIRITS, ETC.**

Commonwealth of Virginia

vs.

Filed in the Clerk's Office of the .....

Court of the.....of ..... Va.  
County or City Name

Court of the .....

Virginia, this ..... day of ..... 192.....

Clerk

By ..... D. C.

*Handwritten notes and signatures on the left side of the page, including a large signature at the top and several lines of text below.*

*Handwritten notes and signatures on the right side of the page, including a large signature at the top and several lines of text below.*



Commonwealth of Virginia--City, County of Petersburg to-wit:

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

WHEREAS J. R. Whiting, Chief Federal Agent of the said C City or County has this day made complaint and information on oath before me, W. H. Larkins, J. P. Name of Magistrate Title of the said C City or County that he verily believes, that in the said C 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 & outbuildings Here describe the place, house, room or boat, as the case may be by one Luther Murray 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 Luther Murray Give name; if name unknown say "Whose name is to the informant unknown." in a certain dwelling house & outbuildings 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 17 day of August 1925.  
W. H. Larkins (SEAL)  
Justice of 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 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 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

*W. M. Moulbray*

Executed the within warrant this *30* day of *August* 192*5*, by searching the within stated *Parriss*

and by seizing the following described Ardent Spirits and other things therein found (and resting the above named person found in possession thereof) and by posting a true copy of this warrant and the return

hereon on the *Parriss*

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

*finding 2 1/2 gallons of liquor*

Given under my hand this *30* day of

*W. J. Rexrode*  
*State Inspector*

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 *30* day of *August* 192*5*.

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 *30* day of *August* 192*5*.

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 *Parriss* for determination and the said things unclaimed are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this *30* day of *August* 192*5*.

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.



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

BE IT REMEMBERED that on the 25th day of August 1925,

Luther Moubray and Henry C. Shiflett-

came before me J. W. Keiter- a Justice-

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

Luther Moubray- - - - - - in the sum of Five Hundred - - - - - Dollars

good and lawful money of the United States, and the said Henry C. Shiflett-

in the sum of Five Hundred - - - - - 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

Luther Moubray- shall make default in the performance of the conditions underwritten.

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

Luther Moubray- do and shall personally appear before the Circuit

Court of Rockingham on the 1st day of the October - - - - - Term next thereof, being the 19th day of October 1925, at the Court-house thereof,

and then and there answer the Commonwealth of Virginia concerning a certain Misdemeanor whereof the said Luther Moubray-

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. W. Keiter J. P.



*Handwritten text, possibly a signature or date, including "1852" and "1853".*

**COMMONWEALTH  
VS  
LUTHER MOUBRAY.  
RECOGNIZANCE.**

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*Faint, mostly illegible text, likely bleed-through from the reverse side of the page.*

Rockingham County, Va.  
Commonwealth of Virginia, To-wit:



Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:  
ROCKINGHAM COUNTY,

To The Sheriff or \_\_\_\_\_, a Constable of said County:

Whereas, J. S. Frank of the said County, has this day made complaint and information on oath before me, F. J. Arguebright a Justice of the said County, that Luther Moubay

of the said County, on the 20<sup>th</sup> day of August 1925, in the said County, did Unlawfully have in possession and store Ardent Spirits against the Peace and Dignity 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

Luther Moubay  
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 22<sup>nd</sup> day of August in the year 1925

F. J. Arguebright J. P. (Seal)



Commonwealth  
VS  
Luther Moubray.

Charged with Possession of Ardent Spirits.  
Aug 25th 1925.

The within Defendaht this day appeared before me, J. W. Keiter a Justice of the said County at Dayton, and waiving a hearing was recognized in the sum of Five Hundred Dollars for his appearance before the Circuit Court of Rockingham County, Va, on the First day of the October Term thereof. Henry C. Shiflett, Surety.  
Given under my hand this the 25th day of August 1925.

J. W. Keiter J. P.

Commonwealth

vs.

Arrest Warrant

Luther Moubray

Executed the within warrant by arresting  
and delivering the body of

Luther Moubray

before

J. W. Keiter

a Justice of Rockingham County, and by sum-  
moning the within named witnesses in person,

this 25 day of Aug 1925

C. W. Dore S. P. C.

Constable of Rockingham County.

Justice

Sheriff

Bail \$ =

\$1.00  
11.00  
1.00  
\$13.00



**In the Name of the Commonwealth of Virginia:**

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

You are hereby commanded to summon.....

*D. W. Dofflemeyer*  
*John S. Funks*  
*W. T. Rexode*

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 *19* day of *Oct.* 19*25* to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

*Luther Mowbray*  
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 *Oct.*, 19*25*, and in the *1925*th year of the Commonwealth.

*J. F. Blackburn*, Clerk.



Luther Mowbray

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Gentling

Executed Oct 17 1925 by delivering a true Copy of the

within Summons to within named witnesses each

\_\_\_\_\_ in person.

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

Grand Jury

Sherry fee \$1.50

Oct. 19, 1925

Clerk



**In the Name of the Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*N. T. Rexroad, D. H. Doffinger,*  
*and John S. Gunk*

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 *5<sup>th</sup>* day of *Nov.* 19*25*,

to testify and the truth to say in behalf of the Commonwealth against

*Luther Maubray*

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 *30* day of *Oct.*, 19*25*, and in the *14<sup>th</sup>* year of the Commonwealth.

*J. F. Blackburn*, Clerk.



Executed Nov. 3, 1925 by delivering a true Copy of the

within Summons to to the within named witnesses  
each in person. C. W. Dove, S. R. C.

Nov. 5, 1925

Sheriff fee \$1.50

Luther Mackinney

Dove.

To the Name of the Commonwealth of



H. A. Newby

Joseph Lane

Justin Rolfe

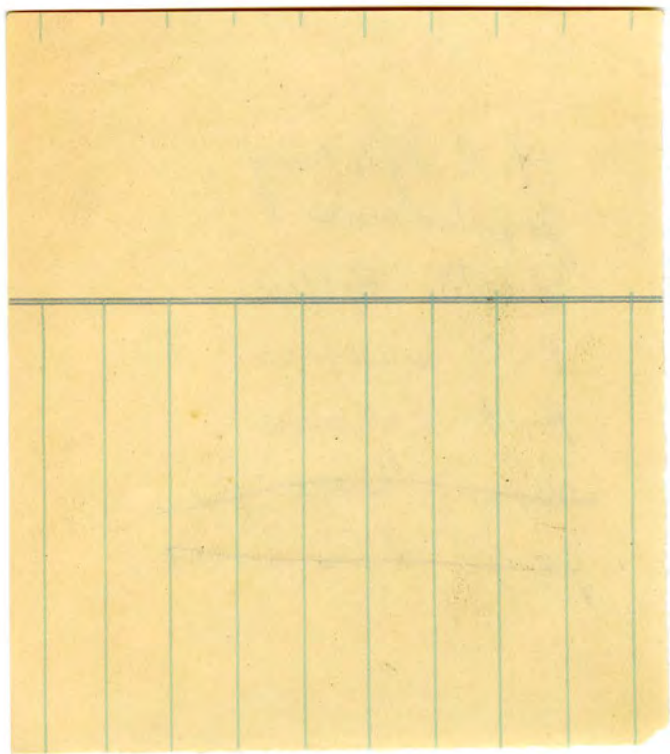
E. C. Swope

H. P. Palmer

~~Wm. H. H. H.~~

~~John L. H.~~







We the Jury find Luther Mowbray's

Punishment, who has pled guilty  
at 30 days in jail and a fine  
of \$50<sup>00</sup>







Sheiff fee

Arrest & Premium 11.50

Summons 3.00

Imp. Jury 1.50  
\$16.00

H. A. Halloway  
Joseph Lane

Luther Rollin

E. C. Swope

A. P. Palmer

2.00

# 259

(Pro.)

Luther Moubray

ads . . . . . made.

Commonwealth

Nov-5<sup>th</sup>

259

1 moe - 50.<sup>00</sup>

\$5,000<sup>00</sup> Bond required

1.50

.30

5.50

\$ 7.30





