

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 April term, 1923, upon their oaths, do present that Hinton Caldwell within one year next prior to the finding of this indictment, in the said County of Rockingham, 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.

This indictment is found on the testimony of Matilda Fink and George Fink, witnesses sworn in Court and sent before the grand jury to give evidence.

*Handwritten notes and signatures at the bottom of the page, including a signature that appears to be "George Fink" and other illegible text.*

Viol. Pro. Act

COMMONWEALTH

v.  
HINTON CALDWELL

A Misdemeanor

A True Bill

*Brock T. White*  
Foreman

D. W. Earman,  
Commonwealth's Attorney.

We the jury find the accused, Hinton Caldwell,  
Not Guilty -

*J. A. Ferguson*  
Foreman

Court and sent before the Grand Jury to give evidence.

This indictment is found on the testimony of

of Virginia.

against the peace and dignity of the Commonwealth  
did unlawfully manufacture, sell  
offer, keep, store and expose for sale, give away, transport,

one year next prior to the date of this indictment, in

1888, upon their oath as the Grand Jury of the County of

of the County of

In the Circuit Court of

COMMONWEALTH OF VIRGINIA

State of Virginia,  
*County of Rockingham*  
~~City of Harrisonburg~~, To-wit:

This day personally appeared before me  
a Notary Public, in and for said ~~city~~ *County* Hinton C. Caldwell, who  
stands indicted in the Circuit Court of Rockingham County,  
charged with the violation of the ardent spirits act, and who  
being duly sworn says that his wife, Bessie Caldwell, is a  
vitally important witness to him in the above cause and is in  
no condition to be present at the hearing, which is set for  
May 21st; <sup>1923</sup> that she is expecting to become a mother within  
the next week; that if she were present she would testify that  
affiant never manufactured, sold, offered, kept, stored, or  
exposed for sale, or gave away, transported, dispensed, solicited,  
advertised, or received orders, for ardent spirits; that she can  
testify where and when your petitioner was at labor when the alleged  
offence was committed, can show that affiant spent his nights at  
home, and that affiant is absolutely innocent of the offence and  
had nothing to do with the operation, ownership, or management  
of a distillery; that he never sold, offered to sell, kept, stored,  
or exposed for sale, gave away, transported, dispensed, solicited,  
advertised, or received orders for ardent spirits.

In other words she will testify that it was impossible  
for him to have done so for the reason that she knew <sup>his</sup> whereabouts  
practically all the time, night and day, for the past two or three  
years.

*H. C. Caldwell*  
\_\_\_\_\_

Subscribed and sworn to this 14th day of May 1923.

*Chas. M. Keese*  
\_\_\_\_\_  
Notary Public.

State of Virginia  
 County of Henrico  
 City of Petersburg, To-wit:

This day personally appeared before me  
 \_\_\_\_\_ in and for said city of Petersburg, who  
 stands indicted in the Circuit Court of Henrico County,  
 charged with the violation of the statute relating to  
 being duly sworn that his wife, Beatie Caldwell, is a  
 legally incompetent witness to him in the above cause and is in  
 condition to be present at the hearing, which is set for  
 the next week; that she is expecting to become a mother within  
 the next week; that she were present she would testify that  
 affiant never saw, heard, sold, offered, kept, stored, or  
 exposed for sale, or gave away, transported, dispensed, solicited,  
 advertised, or received orders, for ardent spirits; that she can  
 testify where and when her husband was a laborer upon the  
 premises was committed, can show that affiant spent his nights at  
 home, and that affiant is absolutely innocent of the offense and  
 had nothing to do with the operation, ownership, or management  
 of a distillery; that he never sold, offered to sell, kept, stored,  
 or exposed for sale, gave away, transported, dispensed, solicited,  
 advertised, or received orders for ardent spirits.  
 In other words she will testify that it was impossible  
 for him to have done so for the reason that she knew whereabouts  
 practically all the time, night and day, for the past two or three  
 years.

Wm  
 05  
 Philip Caldwell

Affiant  
 Henrico C. Caldwell

*Handwritten signature*

Subscribed and sworn to this 14th day of May 1922.

*Handwritten signature*  
 Notary Public

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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*Guover Fink and Matilda Fink*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a.m., on the *7<sup>th</sup>* day of *May* 19*23*, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

*Horton Caldwell*

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 *5* day of *May*, 19*23*, and in the *147* year of the Commonwealth.

*J. F. Blackburn*, Clerk.

Executed by delivering a copy to  
Frank & Matilda Fink each in person  
This the 5<sup>th</sup> day of May 1923.

Chas. D. Fulk, Deputy  
for W. L. Dillards, S. R. C.

Commonwealth  
vs  
Hinton Caldwell

Grand Jury

Sheriff Fee \$ 1.00

May 7, 1923

In the Name of the Commonwealth of Virginia:  
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Bernie Caldwell, Floyd Caldwell, Alva  
Caldwell, George M. Donnan, Luther  
Wilpatrick, Austin Shifflett,  
Grandville Grandstaff, Char. Budge,  
John Myers, Lind Ray.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock,  
a. m., on the 28 day of August 1923 to testify and the truth to say in  
behalf of the defendant in the prosecution of the Commonwealth, Plaintiff, against.....

Winton Caldwell..... Defendant.....

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 21 day of

August, 1923, and in the 14<sup>th</sup> year of the Commonwealth.

J. F. Blackburn, Clerk

Executed by delivering a copy of this sum-  
mons to John Myers, Luther Kirkpatrick  
& Chas. Bridges each in person, as to Floyd  
Caldwell not being found in my bailwick  
this 28th day of Aug. 1923.

Chas. D. Tulek Deputy  
for W. L. Dillard, D. R. C.

Hinton Caldwell  
ads  
Commonwealth

C. A. H.

10 out of 100% 150

~~RECEIVED~~

1923



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

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

You are hereby commanded to summon.....

Matilda Fink, Chas. Fulk  
and Grover Fink.....

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 28<sup>th</sup> day of Sept. 1923,  
to testify and the truth to say in behalf of the Commonwealth against.....

Hinton Caldwell.....

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  
21 day of Aug. , 1923, and in the 14<sup>th</sup> year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed by delivering a copy to each of the  
within named persons each in person. This  
22 day of Aug. 1923.

Chas. S. Fuess, Deputy for  
W. S. Dilmond, S. R. C.

Commonwealth  
in the Name of the Commonwealth of Virginia  
Hinton Caldwell.

**SHERIFF FEE \$ 1.50**

Aug. 28, 1923.

---

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETINGS:

We command you, that you take Hinton Caldwell if he be found within your bailiwick, and him safely keep, so that you have his body forthwith before the Circuit Court of Rockingham County, at the Court House thereof ~~on~~ ----- 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 7 day of May, in the 147 year of the Commonwealth.

J. F. Blackburn Clerk.

---

Executed by arresting Hinton Caldwell &  
Delivering his Body before Judge J. M. Hesse  
Judge of the Circuit Court of Rockingham Co  
May 8 - 1923. Chas. S. Felt, Deft for

W. Dillard S.R.C.

COMMONWEALTH

vs.

Hinton Caldwell

Sheriff Costs	
Smoked papers	" 75
24 Self.	192
12. Miles P.	96
Arrest " "	1.50
Prison Fee	10 00
	<hr/>
	\$ 13.38
	75
	<hr/>
	14.13

Not Guilty

O. A. Layman  
(Foreman)

Mr. Smith  
(Enclosed)

~~C. A. Harper~~

C. A. Bolton

Timothy Small

~~W. E. F. ...~~

A. S. Hauff

C. A. Layman


E. A. Emmeled

EBJ





C. A. Bolton  
 Timothy Showalter  
 A. S. Houff  
 O. A. Layman  
 E. A. Emerswiler



August Term 1923

HINTON CALDWELL

ads Indictment for a Misdr.

COMMONWEALTH

May 21 1925

Sherriff Costs

Arrest Refers	150	
Food for 4 wks	100	
2 wks Coal	150	
His wit 3	150	
Supplying food	150	
Cop still "	\$50.00	
	<u>57.00</u>	
De John 350		1000 Pa Fee
Exhibit 200		
	<u>550.</u>	<u>6700.</u>
2 days Jail Fee	250	
24 miles offer "		192
12 " " Passes		96
Hardy Heavy Band		<u>75-</u>
		<u>7063</u>



20-4446