

Rockingham County, 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 said Court, upon their oath present:

That Richard Larrols,

on the

day of

in the year 185

, at *his residence*

in the said County of Rockingham;

did sell by retail, wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, to be drank at the said place where sold, without being licensed to keep an ordinary at such place, against the peace and dignity of the Commonwealth of Virginia:

And the Jurors aforesaid, on their oath aforesaid, do farther present, that the said

Richard Larrols

on the day and year aforesaid, at *his residence*

in the said County of Rockingham, did sell by retail wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, without having paid the additional tax prescribed by law for the privilege so to do, and without having first obtained from the County Court of said County a certificate that he is a person of good character, and the Court sees no objection to such permission being granted, against the peace and dignity of the Commonwealth of Virginia.

This Indictment is founded on the evidence of

*Harry Taylor a
witness sworn in court, sent
by the grand jury sent before the
grand jury to give evidence*

Commonwealth
3

Richard Varrols
Indictment for
retailing adulterated
spirits without
a license

NOT.

A true bill
W. A. Brown
Foreman

The Commonwealth of Virginia, to the Sheriff of Rockingham County, - - Greeting;

You are hereby commanded to SUMMON *Richard Jarvis*

to appear before the Judge of the Circuit Court of Rockingham county, at the Court-House, on the first day of *October* term next, to answer an indictment of the Grand Jury for *retailing ardent spirits without license*

And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court, at the Court-House, the *12th* day of *August* 1856, and in the *81st* year of the Commonwealth.

A. St. C. Sprinkel

No 1.

South }
vs } Sums
Garrols }

H. Inaick

Oct. 1836

Sept. 9. 1836. Executed by delivering a copy in person

Wm. T. Whelan
for Secretary

(No 1)

Comth }
vs } Indict

Richard Jarrols

St. Indict

1836. May sums awarded,
Oct. docketed, let N.Y. issue
and continued,
1837

(111)
Gentle }
hair }
No. }
William }
hair }
1750 }
1750 }
1750 }

Rockingham County, 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 said Court, upon their oath present:

That

Richard Larnold

on the

day of

in the year 185

, at *his residence*

in the said County of Rockingham,

did sell by retail, wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, to be drank at the said place where sold, without being licensed to keep an ordinary at such place, against the peace and dignity of the Commonwealth of Virginia.

And the Jurors aforesaid, on their oath aforesaid, do farther present, that the said

Richard Larnold

on the day and year aforesaid, at

his residence

in the said County of Rockingham, did sell by retail wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, without having paid the additional tax prescribed by law for the privilege so to do, and without having first obtained from the County Court of said County a certificate that he is a person of good character, and the Court sees no objection to such permission being granted, against the peace and dignity of the Commonwealth of Virginia.

This Indictment is founded on the evidence of

*Henry Taylor a
witness sent for by the grand jury
sworn in Court & sent before the
grand jury to give evidence*

Commonwealth

¹⁴
Richard J. Farrel

Indictment for
retailing around
spirits without
a License

no 2

A True bill
W. A. Conrad
Foreman

The Commonwealth of Virginia, to the Sheriff of Rockingham County, - - Greeting:

You are hereby commanded to SUMMON *Richard Jarrols*

to appear before the Judge of the Circuit Court of Rockingham county, at the Court-House, on the first day of *October* term next, to answer an indictment of the Grand Jury for *retailing ardent spirits without license*.

And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court, at the Court-House, the *12th* day of *August* 185*6*, and in the *81st* year of the Commonwealth.

A. St. C. Sprinkel

No. 2

Court }
vs } sums
Jarvis }
H. Ansel

Oct. 1856

Sept 9 1856 by order of delivering a copy in person by

for H. Ansel & Co
for H. Ansel & Co

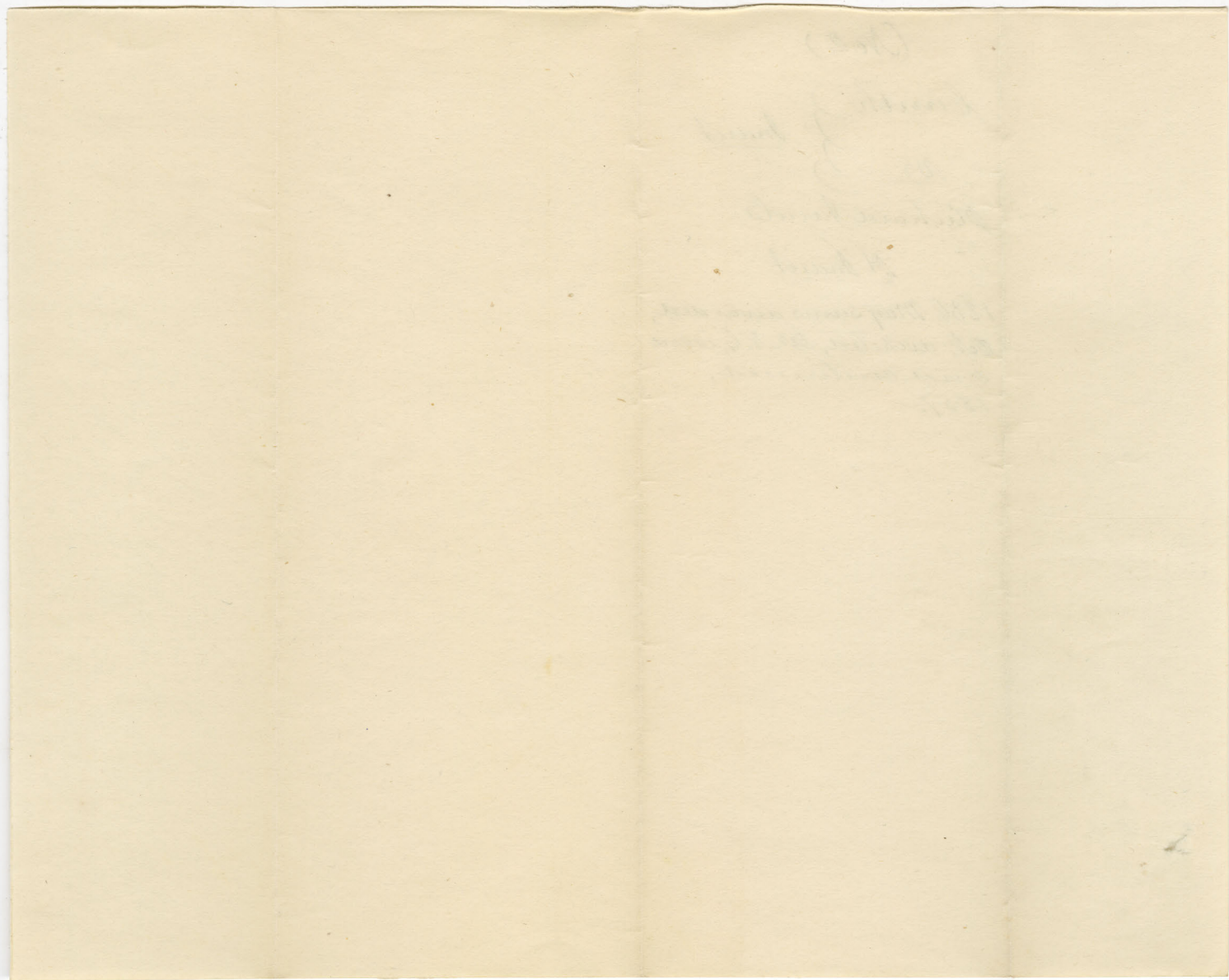
(No. 2)

Smith }
vs } Indict

Richard Jarvis

H. Indict.

1856 May sums awarded,
Oct. docketed, Dec. N. b. issue
and continued,
1857.



Rockingham County, to wit:

In the County

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 said Court, upon their oath present:

That *Richard Jarrols*

on the

day of

in the year 185 , at *his residence*

in the said County of Rockingham,

did sell by retail, wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, to be drank at the said place where sold, without being licensed to keep an ordinary at such place, against the peace and dignity of the Commonwealth of Virginia.

And the Jurors aforesaid, on their oath aforesaid, do farther present, that the said

Richard Jarrols

on the day and year aforesaid, at *his residence*

in the said County of Rockingham, did sell by retail wine, rum, brandy, whiskey, and other ardent spirits; and a mixture thereof, without having paid the additional tax prescribed by law for the privilege so to do, and without having first obtained from the County Court of said County a certificate that he is a person of good character, and the Court sees no objection to such permission being granted, against the peace and dignity of the Commonwealth of Virginia.

This Indictment is founded on the evidence of

Harry Taylor a
witness sent for by the Grand Jury
sworn in Court & sent before
the Grand Jury to give evidence

Commonwealth

⁽²⁾
Richard Tarrol

Indictment for
retailing ardent
spirits without
a license

No. 3

A true bill
W. A. Coura
Foreman

The Commonwealth of Virginia, to the Sheriff of Rockingham County, - - Greeting;

You are hereby commanded to SUMMON *Richard Jarrold*

to appear before the Judge of the Circuit Court of Rockingham county, at the Court-House, on the first day of *October* term next, to answer an indictment of the Grand Jury for *retailing ardent spirits without license,*

And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court, at the Court-House, the *12th* day of *August* 185*6*, and in the *81st* year of the Commonwealth.

A. St. C. Sprinkel

No. 3

Count }
vs } sums
Jarrols
A. Menet

Oct. 1836

Let 97 1/2/856 Jarrols by delivering accept in person by

for 50/1000000 20
for 1000000 1000

(No. 3)

Comth }
vs } Marit

Richard Jarrols

St. Marit

1836, May sums awarded,
Oct. docketed, Ser. N. H. issue
and continued,
1857.

1.
1.
1.

Rockingham County, 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 said Court, upon their oath present:

That *Richard Sarrols*

on the day of in the year 185 , at *his residence*
in the said County of Rockingham;
did sell by retail, wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, to be drank at the said place where sold, without being licensed to keep an ordinary at such place, against the peace and dignity of the Commonwealth of Virginia.

And the Jurors aforesaid, on their oath aforesaid, do farther present, that the said

Richard Sarrols

on the day and year aforesaid, at *his residence*
in the said County of Rockingham, did sell by retail wine, rum, brandy, whiskey, and other ardent spirits, and a mixture thereof, without having paid the additional tax prescribed by law for the privilege so to do, and without having first obtained from the County Court of said County a certificate that he is a person of good character, and the Court sees no objection to such permission being granted, against the peace and dignity of the Commonwealth of Virginia.

This Indictment is founded on the evidence of

Harry Taylor a witness sent for by the Grand Jury and sworn in Court sent before the Grand Jury to give evidence

Commonwealth

vs

Richard Sandoz

Indictment for
retailing ardent
spirits without
a license

No 4

Attest
W A Hornad
Foreman

The Commonwealth of Virginia, to the Sheriff of Rockingham County, - - Greeting;

You are hereby commanded to SUMMON *Richard Jarrols*

to appear before the Judge of the Circuit Court of Rockingham county, at the Court-House, on the first day of *October* term next, to answer an indictment of the Grand Jury for *retailing ardent spirits without license*

And have then there this writ. Witness ARTHUR ST. C. SPRINKEL, Clerk of our said Court, at the Court-House, the *12th* day of *August* 1856, and in the *81st* year of the Commonwealth.

A. St. C. Sprinkel

No 4

County }
vs } Sumo,
Jarvis
H. Inaick

Oct. 1836

By J. P. 9. 1836 & awarded by delivering a copy in person by
for J. P. 9. 1836 & awarded by
for J. P. 9. 1836 & awarded by

(No. 4)

Conth. }

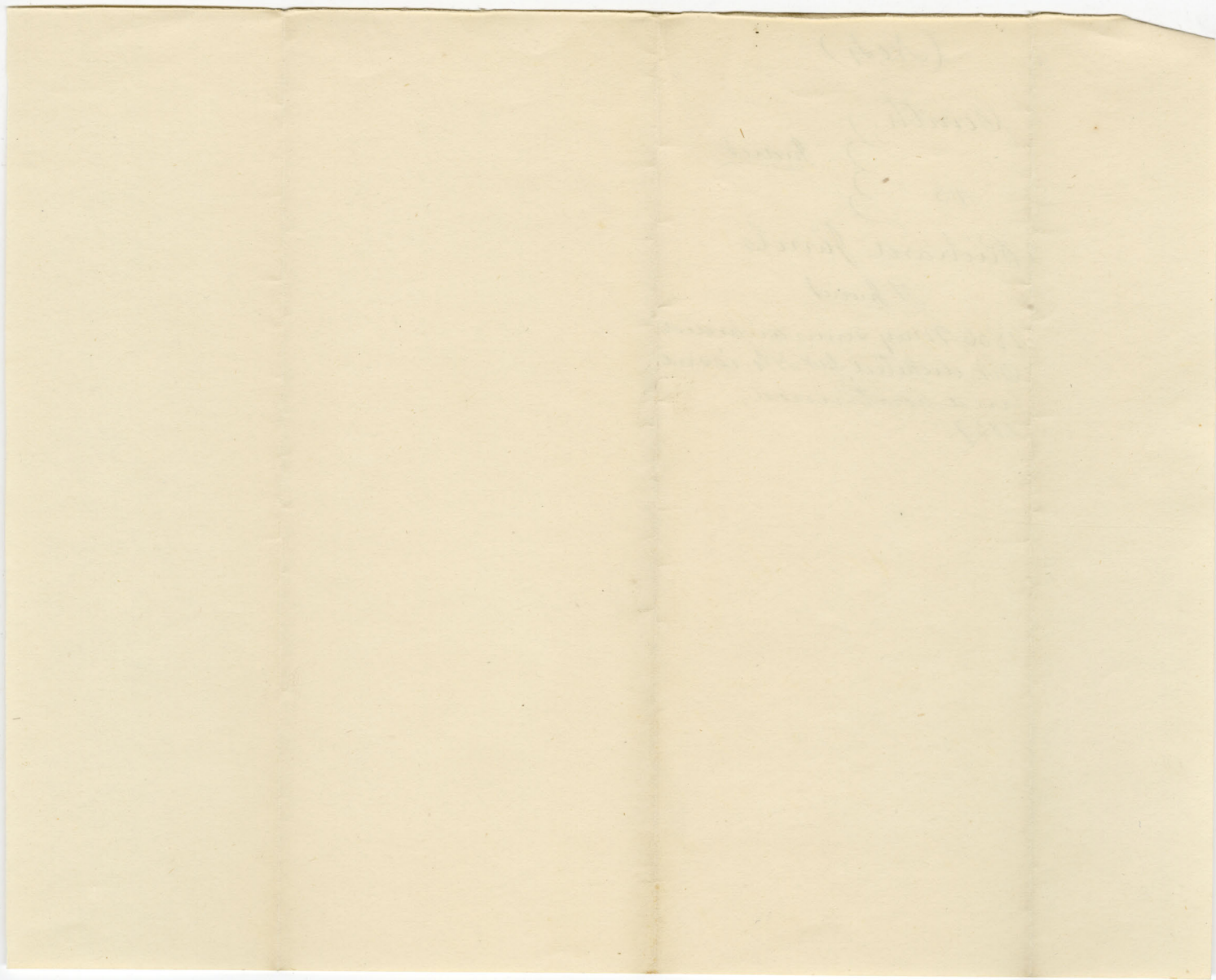
vs }

Indict

Richard Jarrols

H. Indict

1836, May Sum awarded
Oct. docketed, Ser. N. 4, issue
and continued,
1837.



State of Virginia

In the County Court of Rockingham February Term 1857

Be it remembered that heretofore to wit. at a Court held for the County of Rockingham on the day of February 1856. a Grand Jury of request for the body of the County of Rockingham were sworn and having received their charge withdrawn and after sometime returned into Court and presented an indictment against Richard Jarrold for retailing ardent spirits without a license a true bill. which indictment is in these words following to wit. Rockingham County to wit. In the County 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 said Court upon their oath present that Richard Jarrold on the day of — in the year 1856 at the sale of Wm Hawssett on the premises lately occupied by A Harrison in the said County of Rockingham did sell by retail wine rum brandy whiskey and other ardent spirits and a mixture thereof to be drunk at the said place where sold without being licensed to keep an ordinary at such place against the peace and dignity of the Commonwealth of Virginia. and the jurors aforesaid on their oath aforesaid do farther present that the said Richard Jarrold on the day and year aforesaid at the sale of Wm Hawssett on the premises lately occupied by Aberry Harrison in the said County of Rockingham did sell by retail wine rum brandy whiskey and other ardent spirits and a mixture thereof without having paid the additional tax prescribed by law for the privilege so to do and without having first obtained from the County Court of said County a certificate that he is a person of good character and the Court sees no objections to such permission being granted against the peace and dignity of the Commonwealth of Virginia. This indictment is founded on the evidence of Adam Meier a witness sent for by the Grand Jury sworn in Court & sent to the Grand Jury to give evidence. and the it was ordered that the said Richard Jarrold be summoned to appear before the then next quarterly term of said Court to answer said indictment and thereupon a summons was issued from the Clerk's office of the County Court of Rockingham in the words & figures following to wit. The Commonwealth of Virginia to the Sheriff of Rockingham County Greeting. You are hereby commanded to summon Richard Jarrold to appear before the justices of our Court of Rockingham County at the Court house on the third Monday in May next to answer an indictment of the Grand Jury for retailing ardent spirits without a lawful license for sa

doing, and have then there this writ. Witnesses Littleton McGamblie Clerk of our
said County, at the Court house the 30th day of April 1856 and in the 80 year of
the Commonwealth

St Gamble

Sheriff's Return. 'Executed by Jno H Rhodes Ds for AS Byrd SRL'
and upon the return of which summons the Defendant filed a general
Demurrer to the Indictment, and also pleaded Not Guilty, & filed a plea in
Abatement, in these words. Richard Jarrold vs Commonwealth, and
the said defendant in his own and proper person comes and defends the wrong
and injury & and prays oyer of the original writ aforesaid and the return thereon
and it is read to him in these words to wit. "The" & and the said defendant
prays judgment of the said writ and the return thereupon in this par-
ticular that is to say for that there is a manifest defect in the said writ in
that it does not put the defendant upon sufficient notice of the place of trial
of the defence and of the return thereupon in that it has not been made as
required by the act of assembly in that case made and provided, whereupon because
there is manifest defect in the said return and in the original writ the said
Richard Jarrold prays judgment of the original writ and the return thereupon
and that the same may be quashed. Warren & Vancey & Richard Jarrold

This day personally appeared before me Richard Jarrold and made
oath to the truth of the statements contained in the above plea given under my
hand this the 20th day of May 1856

Jno & Vancey & R. J. P.

And at an other day to wit the 17 day of February 1857

This day came ~~the~~ ^{as} well the Attorney prosecuting for the Common-
wealth as the defendant by his attorney, and thereupon the matters of law
arising out of the Deft's demurrer to the indictment being argued, the Court
upon deliberation doth overrule said demurrer, and thereupon came a
jury to wit Jacob Rowdabush &c, who being elected tried and sworn the truth
to speak upon the issue joined, and having heard the evidence retired from
the bar to consider of their verdict, and after some time returned into Court &
upon their oath do say "We the jury find the defendant guilty". It is therefore
considered that the Commonwealth recover against the Deft the sum of \$500
the fine imposed by law and the costs expensed in prosecuting said indict-
ment, & thereupon the defendant moved the Court to set aside the verdict &
judgment, and award a new trial, which motion the Court doth overrule
And at an other day to wit, at a Court continued and held for said
County, on the 21st day of February 1857. This day came again as well the

Wm L Gancey an attorney practicing in the courts Superior
of law & chancery for the county of Rockingham so certified that in
opinion there is sufficient matter ~~of law~~ ^{of equity} for reversing the judgment
pleined of in the foregoing ^{decree}
Wm L Gancey

in reversing the sale of liquor without license &c

Richard Darratt

Commonwealth

Petition for

Writ of Error

John Henry
Sept 9th 1857

Of the Clerk of the Circuit Court of Washington County
A writ of error is returned to the said
Thomas H. H. of the County of Rockland
and return is to appear on a September 1857
The said writ of error is given
and with the writ is given a writ
in support of the writ of error
according to law.

attorney for the Commonwealth as the Defendant by his attorney who tendered
a bill of exceptions to an opinion of the Court delivered in this cause which exception
is in these words "Commonwealth vs Richard Farrols. Memo. on the trial of this
cause the Commonwealth proved that the defendant did sell by retail
ardent spirits or a mixture thereof at the sale of A & J Paucett in the County of
Rockingham within 12 months next preceeding the finding of the indictment
and this being all the testimony in the cause the jury ^{retired} returned a verdict
as follows. "We the jury find the defendant guilty" whereupon the
defendant by counsel moved the Court to set aside the verdict of the jury
on the ground that the evidence was insufficient to sustain it and on
the ground of a variance between the allegations & the proof. but the Court
refused to set aside the verdict to which opinion of the Court the defendant
by counsel excepts. and prays that his exceptions may be signed sealed
and enrolled. which is accordingly done. *Naason Bare* (seal)
McNeuman (seal). *McD Harris* (seal). *S Ruelish* (seal). which exceptions
were signed sealed and enrolled. and ordered to be made a part of
the record

Copy Teste

L W Gamble Core

Fee \$1.50

To The Honorable John Binney Judge of the Circuit Court
of Rockingham County

The Jurators of Richard Farrols, Justice of the Peace, depones
that he is aggrieved by a final judgment of the Circuit Court at
Rockingham County rendered on the 17th day of Feb 1847 in
an action wherein the Commonwealth was Plaintiff & the said
Richard Farrols Defendant. A Transcript of the judgment & of
the proceeding had in said action is herewith presented - & when
it will be perceived that the case is as follows, At the 4th Term of the
Circuit Court of Rockingham County the Grand Jury found an indictment
against Richard Farrols for retailing "ardent spirits at the sale of A & J Paucett
on the premises lately occupied by A Harvison in the County of Rockingham"
The count charging the sale of liquor to be drunk at the place now sold to
another charging the sale of liquor without license &c

The doct filed a demurrer to the plea of "not guilty". At the 1st term of the said court for the year 1867 - the court overruled the demurrer to the indictment & a jury were impaneled to try the issue of "not guilty". And the jury upon proof, that your petitioner did sell by retail ardent spirits &c at the sale of A & J Hancock formed a general verdict of guilty. Whereupon the counsel for the defendant moved the court to set aside the verdict & award a new trial - which the court refused to do - but entered up judgment against the defendant - for \$30. The fine imposed by law - to which opinion of the court the defendant excepted.

778
Your petitioner assigns the following errors in said judgment
1st For overruling the demurrer to the indictment - because the indictment does not describe the place of sale with sufficient accuracy - "the sale of A & J Hancock" is no place. It may have been any where & in 100 diff places in one day. The addition of "on the premises lately occupied by A Harrison" does not make the imperfection - the identity of the place of sale & that of drinking is material. The sale might have been on one part of the premises & the drinking on another part. And A Harrison may have lately occupied several places or premises.
2nd The general verdict of guilty - was not sufficient to sustain the judgment. Each count in the indictment describes a distinct offence - The 1st an offence against one clause of the statute "on the premises lately occupied by A Harrison" the 2nd count against another clause "on the premises lately occupied by A Harrison" the jury should have said upon which count they found him guilty.

3rd The court erred in not granting a new trial - because there was a material variance between the indictment & the proof - the proof does not sustain the indictment - the only evidence to sustain the indictment is that the defendant sold ardent spirits at the sale of A & J Hancock - there is no proof that the sale was on the premises lately occupied by A Harrison the offence described in the 1st count - nor that the sale was on the premises lately occupied by A Harrison the offence described in the 2nd count. This variance is material. It is a matter of local description which must be proved as laid III 3rd Sec 1823. It is not true that the liquor was sold to be drunk where sold. And for the said errors the prayer a writ of error to the said judgment. And that the same may operate as a rehearing upon such terms as to your Honor may seem proper.

Richard Parrot by his counsel
Warren & Yancy

The Commonwealth of Virginia,

To the Justices of the Court of Rockingham County; Greeting,

Whereas in the record and proceedings, and also in the rendition of the judgment in our said Court, given on the 17th day of February 1857, against Richard Jarrold for \$30. fine, upon an indictment for retailing ardent spirits without a lawful license for so doing, whereby it was considered that the Commonwealth recover against the said Richard Jarrold \$20, the fine assessed for the offence, and the costs expended in prosecuting the said indictment; manifest error has happened, to the great damage of the said Richard Jarrold, as by his complaint we have understood; We being willing that the error, if any has been, should be duly corrected, and a full and speedy justice done to the said Richard Jarrold in this behalf; We command you, and every of you, that the record and proceedings aforesaid, with all things touching the same, you, or one of you, under your, or one of your seals, distinctly and plainly send to the Judge of our Circuit Court for our said County of Rockingham, at the Court house thereof, on the first day of October Term next, so that our said Judge, the record and proceedings aforesaid being inspected, may farther cause to be done therein, what of right and according to law ought to be done; and that you cause it to be made known to the Sheriff of our said County, that it is our command, that from all further proceedings on the judgment aforesaid, he altogether supersede, And have then there this writ, Witness Arthur St. C. Sprinkel, clerk of our said Circuit Court, the 21st day of September 1857, and in the 32^d year of the Commonwealth,

A. St. C. Sprinkel

Garrolds }
vs } Unit of Error
Comrth }

WRN. Error

Bond and security given
21st day of Sept. 1854,

Attest printed CLK

I acknowledge and receive
of the within
J. T. Harris
an. CM

Oct. 1854

Know all men by these presents, That We, Richard Jarrold and A. St. Brewer — are held and firmly bound unto the Commonwealth of Virginia, in the sum of Sixty dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs Executors and Administrators jointly and severally firmly by these presents, sealed with our seals and dated the 21st day of September 1857 and in the 82nd year of the Commonwealth,

The condition of the above obligation is such, That whereas the above bound Richard Jarrold hath obtained from the Judge of the Circuit Court of Rockingham County, a writ of Error to a Judgment of the County Court of Rockingham County, rendered on the 17th day of February 1857. in a case of the Commonwealth against the said Richard Jarrold ^{for \$30. fine} upon an indictment for retailing ardent spirits without a lawful license for so doing, which said writ of error is to operate as a supersedeas,

Now if the said Richard Jarrold shall well and truly pay and satisfy the the Judgment aforesaid, and also pay ^{all} fees and costs of the officers of the Court for their services rendered in the prosecution of the said Writ of Error, in case the Judgment of the County Court aforesaid shall be affirmed, then the above obligation to be void, otherwise to remain in full force and virtue

Richard Jarrold ^{his} Seal
A. St. Brewer ^{per} Seal

Rockingham County To Wit;

This day A. St. Brewer the security in the above bond personally appeared before A. St. C. Sprinkel clerk of the Circuit Court of said County, and made oath that his property is worth \$60. after the payment of all his debts and those which he is security for and expects to have to pay,

Given under my hand this 21st day of September 1857,

A. St. C. Sprinkel clk

Jarvis }
vs }
Smith } sup^r
 } Bond

Jarrols } Papers
vs } W. Error
Carruth }

W. Error

1857. Sept. Writ Error award
-red and bond security given
21st Sept. Oct. docketed and
dismissed at Piffs costs,

\$ 6.01 costs

clks fees \$ 1.01

Attory - 5.00

\$ 6.01

Geo F. Harkness

ad

David W. W. W. W.

