In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

R. Lee Coffman

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 *day of* March *19*24 *to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth, Plaintiff, against*

Daniel & Ralph Webster *Defendant.*

And this he *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 6 *day of* March, *19*24 *and in the* 148 *th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Rappt v
Daniel Webster
vs
Commonwealth

Executed
by Copy
Within
to R. Lee,
Coffman
Albert Fry
J. E. Warren
Constable
Central
District

J. W. Mann
atty.

Sheriff fee $0

March 4, 1924.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Ernest Lirkey

to appear participate *before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the* 7th *day of* March *19*24 *to testify and the truth to say in behalf of the Commonwealth against*

Hamel Webster & Ralph Webster

who stands charged with and indicted for a felony misdemeanor.

And this he *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 7 *day of* Mar, *1924, and in the 148th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

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 February term, 1924, upon their oaths do present that DanielWebster and Ralph Webster, 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.

The jurors aforesaid upon their oaths aforesaid do further present that Daniel Webster and Ralph Webster, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully have in their possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that Daniel Webster and Ralph Webster, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Lewis Cromer, C. W. Dove, John Funk, and John Dove, witnesses sworn in Court and sent before the grand jury to give evidence.

We the jury find the accused Hamil Webster and Ralph Webster guilty as charged in this indictment and ascertain their punishment at one year's confinement in jail and a fine of $500.00 each.

S. G. Will
Foreman

Vol. Pro. 1.

COMMONWEALTH
v.
DANIEL WEBSTER AND
RALPH WEBSTER

A MISDEMEANOR

A TRUE BILL

G. E. Updike
Foreman

Capias

C. W. Barham,
Commonwealth's Attorney.

COMMONWEALTH

v.

DANIEL WEBSTER and

RALPH WEBSTER.

Bill of Particulars.

The Commonwealth expects to prove in this case that about six weeks ago the defendants hired one Justus Tutep to take them to a point along the Kratzer Road some four miles north of Harrisonburg in a Ford automobile; that Websters left the car at that point, came back in a short time thereafter, each carrying a gunny bag containing liquor; that they came on back the Kratzer Road until they reached the Mdom Road and then took this road to Cromer's Woods where the liquor was hidden by the Websters, that said ardent spirits were recovered and held unlawfully by them, and that said defendants

The Commonwealth expects to prove further that ~~the~~ Ralph Webster said on one occasion during the past year that he had sold on that day about 80 pints of liquor and that ardent spirits were stored for sale on Websters' farm southeast of Harrisonburg and also on their farm west of Harrisonburg.

March 6th, 1924.

COMMONWEALTH

v.

DANIEL WEBSTER and
LEWIS CROMER.

The Commonwealth expects to prove in this case that Cromer was arrested in the City of Harrisonburg about a month ago while transporting on his person three pints of moonshine liquor; that said liquor belonged to Daniel Webster and was

being transported by said Cromer at the request of Daniel Webster. In other words, the Commonwealth expects to prove that Cromer was selling this liquor for Webster, that the liquor belonged to Webster, that he was to receive $1.50 per pint for the same and Cromer Fifty Cents a pint for selling it.

March 6th, 1924.

D W Lawson
Commonwealth's Attorney.

Com. Mr. Rodd to Francis White
Brief re Martinique

Certificate No. 2.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

~~when the case was called for trial, but before~~ ~~the defendants were arraigned~~

The defendants, by counsel, ~~having~~ having moved the court on the evening of the day before the trial to require the Commonwealth's attorney to file a bill of particulars as to the specific offence or offences upon which the Commonwealth would rely for a conviction, and the Court having granted such motion, when the case was called for trial the attorney for the Commonwealth filed a bill of particulars in the words and figures following, to-wit:

"The Commonwealth expects to prove in this case that about six weeks ago the defendants hired one Justus Estep to take them to a point along the Kratzer Road some four miles north of Harrisonburg in a Ford automobile; that Websters left the car at that point, came back in a short time thereafter, each carrying a guano bag containing liquor; that they came on back the Kratzer Road until they reached the Edom Road and then took this road to Cromer's Woods where the liquor was hidden by the Websters, that said ardent spirits were received and held unlawfully by them, and that said defendants have stored ardent spirits for sale on theirfarms almost daily within the year prior to the finding of said indictment"

Given under my hand this 15th day of April, 1924, within sixty days from the dateof the final judgment.

J. R. Haas, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 3.

Upon the trial of this case, the Commonwealth's Attorney ~~had~~ asked the witness Lewis Cromer the following questions to which he made the following answers:

"38 Q Did he have any other liquor there? A Yes sir, had some half gallon cans hid in there, too.

39 Q How would he hide it in the fodder shock? A Put it in sacks and stick them in the fodder shock.

40 Q Do the ~~Xxxxx~~ Websters own any other farm? A Yes sir; go out the pike and turn up by the tannery creek. They own a piece of ground out there.

41 Q You go out by Liskey's swimming pool? A Yes sir, you go out there and turn up a lane to the right going in.

42 Q What, if anything, did they keep out there on that farm? A Well, they kept all kinds of liquor out there.

The Court: Whose farm is that? A I think it belongs to Dan and Lester Webster. I think it belongs to all three of them. I think their father left it to them.

43 Q How did you happen to go up there? A Taking liquor up.

44 Q Whose liquor was it? A Dan Webster's.

45 Q Where did he get the liquor? A From mountain people.

46 Q Where did they keep the liquor? A In a straw stack, right in front of the sheep shed.

47 Q In what kind of containers? A Half gallon jars and jugs, too.

The Court: Which of the Websters did you ever see there? A Seen them both there.

The Court: What do you mean by both? A Ralph and Dan.

48 Q What else -- did they keep it anywhere else about the place there? A Yes sir; kept some in a hollow tree there about the creek. Had a hole in the tree. Half gallons or pints. It would be pints after it was bottled up.

49 Q Whose land was that tree on? A Couldn't tell you, sir.

50 Q How far from the sheep shed? A Two hundred yards.

51 Q Who put it there? A I did.

52 Q Where did you get it? A From Dan.

The Court: Why did you put it there? A Didn't want to bring it all to town.

53 Q What kind of agreement did you have with him? A Well, I give him a dollar and a half, and I took fifty cents.

54 Q How much did you sell a week? A It averaged five gallons. Some weeks I didn't sell that much, and some weeks I sold more.

55 Q How much did you say you sold a week? A Averaged five gallons.

56 Q When did you pay Dan then? A Sometimes on Saturday.

57 Q How would you bring it down town? A Carry it in my pockets. Went in a car a few times. We all went and got it at night and would hide it up in these alleys.

The Court: What do you mean by all of you? A Me and Dan and Ralph.

58 Q Where would you hide it? A In these alleys, up and down.

59 Q Where would you usually dispose of most of it? In what part of Harrisonburg? A On Water Street.

The COURT: How long was that going on? A I worked for them all summer. I just don't know exactly how long.

60 Q What summer? A Last summer. I worked for them all last summer up until I was caught.

61 Q Who went on your bond? A Daniel Webster.

62 Q How would you pour this out? A Pour it into half gallon cans and then pour it out into the bottles. You can pour it that

way without spilling it.

63 Q Did you keep a funnel out there at the sheep shed? A Had one out there a right smart while.

64 Q Where did you keep it? A Hanging up there in the sheep shed, right between the rafters."

To the propounding of each of which questions the defendants, by counsel objected, on the ground that the testimony sought to be elicited thereby was not pertinent to any offence sufficiently set forth in the bill of particulars filed by the Commonwealth's Attorney, and that it was not in any case permissible in view of the said bill of particulars to prove the storing by the defendants of liquor at any place other than that specified in the said bill of particulars or to prove sales made by or on their behalf, no specification of such sales being in the said bill of particulars, but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, holding that evidence of selling or offering to sell was admissible on the charge of storing liquor and the Court ex mero motu permitted the Commonwealth's Attorney to so amend the bill of particulars that the same should specify that the Commonwealth would proceed against the defendants on the charge of having, at divers and sundry times in the Town of Hamersley within twelve months next preceding the indictment, unlawfully dispensed ardent spirits, and the same was amended accordingly, to which action of the Court in so overruling each of said objections and in permitting the witness to answer each of the said questions, and in permitting such amendment of said bill of particulars, after the commencement of the trial, the defendants, by counsel, excepted. But no motion was made by defendants for a continuance or postponement of the trial to enable them to make preparation to meet the said amendment as testified to by the witness.

Given under my hand this 18th day of April, 1924, within 60 days from the date of the final judgment.

J. N. Haas, Judge.

Commonewealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 4.

Upon the trial of this case, the Attorney for the Commonwealth propounded to the witness Lewis Cromer the following questions to which he made the following answers:

"65 Q Did Dan Webster, or not, ever bring any whiskey to your home? A Yes sir, we would pour it out, there.

66 Q When was that? A Well, it has been about two months ago. I was on bail then, too.

67 Q Who was present then? A William Graham. My mother was in the house. My mother was in the room. I guess she knew there was liquor in there. I don't know whether she did, or not.

68 Q What was Dan doing with liquor in your home? A Pouring it in the bottles to bring down town to sell.

69 Q Where did you get it? A We had it hid in the vines on the other side of the C. & W. Railroad. I got the liquor myself and brought it up to the house, and we poured it in the bottles.

70 Q That was hidden in some vines along the Railroad? What Railroad? A The C. & W. Railroad, near Dick Williams' store."

"74 Q Did they keep liquor anywhere else except in the sheep shed and the straw-stack and the woods out there? The poorhouse farm is about how far from that sheep shed? A I couldn't tell you, about a mile, I judge.

75 Q Did they keep liquor anywhere else except in the places you have spoken of? A We kept it back of the Estep's house and out here by the stone spring, in the woods there, I don't know whose woods it is.

76 Q You kept liquor back of what Esteps' house. A Justis Estep and Raymond Estep's.

77 Q Justis is the one who runs the jitney? A Yes sir. I never seen Estep with no liquor. It was back of their house there, where it was.

78 Q Where does Estep live? A Right in front of the Waterman woods, where the toll gate used to be, lives in a house up above there.

The Court: On the Rawley Road? A Yes sir.

79 Q You kept the liquor there in the woods? A Yes sir.

The Court: What Estep? A Raymond Estep and Justis Estep. I don't know what their mother's name is.

The Court: That is right beyond where the toll gate used to be on the Rawley Springs Turnpike? A Yes sir, on this road right here.

80 Q In what other woods? A At Stone Spring and way on down below there, I don't know what woods it is. I judge about a mile and a half, maybe two miles, from Stone Spring, maybe further."

To each of which questions the defendants by counsel objected, on the ground that the evidence sought to be elicited thereby was not pertinent to any offence specified in the bill of particulars filed by the Commonwealth's Attorney and particularly in that it did not tend to show the storing by the defendants of whiskey or ardent spirits for sale upon the farm or farms of the defendants, or either of them, on which farm or farms it is alleged in the bill of particulars the same was stored for sale, but the Court overruled said objections and each of them and permitted the witness to answer each of said questions as above set forth, to which action of the Court in so overruling each of said objections and so permitting witness to answer the defendants by counsel excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment

J. R. Kaas, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 5.

Upon the trial of this case the Commonwealth's Attorney propounded to the witness William Graham the following questions, to which he made the following answers:

"4 Q You live at Lewis Cromer's mother's, don't you? A Yes sir.

5 Q Do you ever see Dan Webster there? A Yes sir.

6 Q When was the last time you saw him there? A It has been, I guess, about a couple months ago, maybe a little longer.

7 Q Who was there with him? A He and Lewis Cromer came there together.

8 Q What did they have? A Well, I suppose they had a little bit of liquor with them, as far as I know.

9 Q What did they have it in? A Half gallon jars.

10 Q How many jars did they have? A Three.

11 Q What did they do with it? A Poured it into pint bottles.

12 Q Who did that? A Lewis and Dan, both.

13 Q What did they do with the liquor after they poured it into the bottles? A Took it with them, as far as I know.

14 Q How did you know? A I was there in the house, and you know you can scent it.

15 Q What color was it? A White.

16 Q How did it correspond in looks and smell with what is in there? A This smells very much like it."

"19 Q Have you seen him selling liquor since February 1, 1923?

A No sir.

20 Q I don't mean '24, I mean 1923.

A Well, I couldn't say for sure he sold it or what he done with it. I never seen him get any money for it.

21 Q What did you see him do with it?

A As far as I know, he had the liquor.

22 Q What was it in? A In pint bottles.

23 Q Where was it? A I seen him with it once on Water Street, around Mr. Matthews' stable.

24 Q What did he do with it? A I couldn't say what he done with it exactly, but I seen him one evening - I don't know whether he give it to him or sold it.

The Court: Where was that and when? A That has been some time back, I suppose, a month, about two months ago.

The Court: Where was it? A On Water Street.

The Court: Who was the person he gave it to or sold it to? A I saw the person but didn't know."

To which questions and each of them the defendants, by counsel, objected, on the ground that in the bill of particulars filed by the Commonwealth's Attorney there is no statement that the Commonwealth would seek to convict the defendants, or either of them, of the transportation of ardent spirits or of having ardent spirits in their possession at any place other than the farm or farms owned by them, or of selling ardent spirits or of unlawfully giving away ardent spirits, and the Court overruled the said objections and each of them and permitted the witness to answer as above set forth, to which action of the Court in so overruling said objections and each of them the defendants by counsel excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment.

J. R. Harris

Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 6.

Upon the trial of this case, the Commonwealth propounded to one E.C.Liskey, a witness in its behalf, the following questions to which the witness made the following answers:

"2Q Which one was it? A Ralph.

3 Q You say Ralph Webster offered to sell you liquor? A Yes sir.

4 Q When was it? A I think it was Friday before Christmas.

5 Q Of last year, 1923? A Yes sir.

6 Q Where was he at the time? A It happened down on Water Street.

7 Q How much did he want to sell you? A He offered to sell me half a gallon.

8 Q Just state to the jury what he said and how --

9 Q Just state to the jury how he happened to offer you this half gallon of liquor? A I just walked down Water Street. He was sitting in a car right side of the curb. I reckon I stopped probably and got to talking. He offered to sell me half a gallon at $10.00.

10 Q When did he say he would deliver it? A Said he would bring it around some time that night.

11 Q You didn't buy it? A No sir."

At the conclusion of which examination, the defendants, by counsel, moved that the Court strike out the said evidence and all of it and instruct the jury to disregard the same, on the ground that the bill of particulars contains no statement that the Common-

wealth would seek to convict the accused, or either of them, of the offence of selling ardent spirits or offering ardent spirits for sale, but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, to which action of the Court in so overruling each of said objections and in so permitting the witness to answer each of the said questions, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment

J. H. Nash, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 7.

Upon the trial of this case, the Commonwealth, by its Attorney, propounded to John Logan, a witness on its behalf, the following question to which he made the following answer:

"Do you know what the general reputation of Ralph Webster was from February 1, 1923, to February, 1924, as a bootlegger or for violating the prohibition laws? A Bad."

To which question the defendants by counsel objected, ~~on the ground that in the bill of particulars it is not stated that the Commonwealth would seek to obtain a conviction of the defendants, or either of them, upon the charge that they or he sold ardent spirits or that they were or he was a bootlegger~~, but the Court overruled the said objection and permitted the witness to answer the question as above set forth, to which action of the Court in so overruling the said objection and in so permitting the witness to answer ~~xxxh~~ the said question, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment.

J. M. Hand, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 8.

Upon the trial of this case, the Commonwealth, by its Attorney, propounded to F.L.Dovel, a witness in its behalf, the following questions to which the witness made the following answers:

"3 Q Do you know the general reputation of Ralph Webster for handling liquor in the City of Harrisonburg? If so, is that reputation good or bad? A I have heard it discussed that they were handling it.

The Court: Do you know how he stands generally?

A Do you mean for handling liquor? It is not good.

4 Q Is that same thing true of Daniel Webster? A Yes sir."

To the propounding of each of which questions the defendants, by counsel objected, ~~on the ground that in the bill of particulars filed by the Commonwealth's Attorney there is no statement that the Commonwealth would seek to obtain the conviction of the defendants, or either of them, for the offence of having in their possession in the City of Harrisonburg, or selling in the City of Harrisonburg, ardent spirits, or of any other offence committed in said City,~~ but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, to which action of the Court in so overruling each of said objections and in so permitting the witness to answer each of the said questions, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the ~~[illegible]~~ date of the final judgment.

J. M. Haas, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 9.

Upon the trial of this case, the Commonwealth propounded to John Logan, a witness on its behalf, recalled by it, the following question to which he made the following answer:

"10 Q You testified that the general reputation of Ralph Webster was bad for handling liquor. How about Dan Webster? What is his general reputation? A Bad."

To the propounding of which question the defendants, by counsel, objected, ~~on the ground that the bill of particulars filed by the Commonwealth's Attorney contained no specification that the Commonwealth would seek to obtain a conviction of the defendants, or either of them, upon the charge of selling or transporting liquor or upon any other offence to which the testimony sought to be elicited by the question was pertinent,~~ but the Court overruled the said objection and permitted the witness to answer the said question, as above set forth, to which action of the Court in so overruling said objection and in so permitting the witness to answer said question, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within ten days from the date of the final judgment

J. H. Hards, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 10.

Upon the trial of this case, the Commonwealth propounded to the witness Daniel W. Stickley the following questions to which he made the following answers:

"5 Q Do you know the general reputation of Ralph Webster for handling liquor here in the City of Harrisonburg? A Bad.

6 Q How about Dan? A Same thing."

To each of which questions the defendants, by counsel, objected, ~~on the ground that there is no sufficient statement in the bill~~ of particulars filed by the Commonwealth's Attorney that the Commonwealth would seek to obtain a conviction of the defendants, or either of them, upon any charge of handling ardent spirits either by way of transporting ardent spirits or selling ardent spirits or having ardent spirits in their possession in the City of ~~Harrisonburg, or of transporting or selling ardent spirits at any place,~~ but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, to which action of the Court in so overruling each of said objections and in so permitting the witness to answer each of the said questions, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment

W. H. Haas, Judge.

Abiron Pond

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 11.

Upon the trial of this case, the Commonwealth propounded to A.P.Curry, a witness on its behalf, the following questions to which the witness gave the following answers:

"24 Q Do you know the general reputation of Ralph Webster for handling liquor here in Harrisonburg, and, if so, is it good or bad?

A It has been boosted a good deal.

25 Q What do you mean by boosted? A I mean it has been circulated, rumored a good deal.

26 Q Would you say it was good or bad? A Bad.

27 Q How about Daniel Webster? A Same."

To each of which questions the defendants, by counsel, objected, ~~on the ground that there is no sufficient statement in the bill~~ of particulars filed by the Commonwealth's Attorney that the Commonwealth would seek to obtain a conviction of the defendants, or either of them, upon any charge of handling ardent spirits either by way of transporting ardent spirits or selling ardent spirits or having ardent spirits in their possession in the City of Harrisonburg, ~~or of transporting or selling ardent spirits at any place~~, but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, to which action of the Court in so overruling each of said objections and in so permitting the witness to answer each of the said questions, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment

J. H. Haas, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 12.

Upon the trial of this case, the Commonwealth propounded to E.G.Snyder, a witness in its behalf, the following questions to which he gave the following answers:

"8 Q Well, during the past year, or from February 1, 1923, up until February 1, 1924, during that period of one year, did you, or not, ever see Ralph Webster and Dan Webster, or either of them, sell liquor? A Well, I have seen them handling it along there, I don't know whether they were selling it, or not.

9 Q Explain what you mean. A I have seen them with it along there.

10 Q Would hand it out to people? A Not on the street. They would go into places.

11 Q Where would they go? A Into Dean's Hall there, and up the alley.

12 Q Is that in Dean's restaurant? A The entrance that goes back to the kitchen.

13 Q The entrance goes from the street back to the kitchen? A Yes sir.

14 Q Which one of them would do that? A Well, I have seen Dan and Ralph, both.

15 Q About how often do you suppose you have seen them hand it out to people during the past year? About how often during a week or a day? A Well, I never paid much attention to that.

16 Q How often would you say on an average? A Well, a couple times a week, I reckon, - two or three times.

17 Q What kind of containers would this liquor be in? A They would have it in bottles, pint bottles?

18 Q What color would the stuff be? A Would be white-looking.

19 Q How did it resemble this flued here, or beverage, in this glass? A Yes, it looked sort of like that.

20 Q Now, when this liquor would be handed out, did you see any money pass? A Not as often as I have seen the liquor.

21 Q You have seen people hand money back to the Websters at the time the liquor was given to them? A Yes sir.

22 Q Would that be in the day-time or night-time, or both?

A Well, in the day or night, either one.

23 Q That is, you mean that you saw them hand out liquor both in the day-time and night-time? A Yes sir."

To the propounding of which questions and each of them the defendants by counsel objected on the ground that the bill of particulars filed by the Commonwealth's attorney contains no sufficient statement that the Commonwealth would seek to convict the defendants, or either of them, of having in their possession, transporting, selling, giving, or in any wise dispensing ardent spirits within the City of Harrisonburg, but the Court overruled each of said objections and permitted the witness to answer the said questions and each of them, as above set forth, to which action of the Court in so overruling each of said objections and in so permitting the witness to answer each of the said questions, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment.

D. M. Hooe, Judge.

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 13.

Upon the trial of this case, the Commonwealth, by its attorney, propounded to Walter Deputy, a witness introduced by it, the following questions to which he made the following answers:

"13 Q Mr. Deputy, during the past year have you, or not, heard Ralph Webster say that he sold so much liquor on Court Day?

A Yes sir.

14 Q Just state to the jury what you did hear him say? A In a restaurant there on the corner where Mr. Baker used to be, Mr. Ralph Webster was setting there at the side of the stove, and he said he had sold eighty-five pints of liquor on November Court Day, on Water Street. It was just after Court Day."

To the propounding of which questions and each of them the defendants by counsel objected on the ground that there is no sufficient statement in the bill of particulars filed by the Commonwealth's Attorney that the Commonwealth would seek to convict the defendants, or either of them, of the offence of selling ardent spirits or having the same in their or his possession, ~~and on the further ground that evidence of an admission in pais by the~~ defendant Ralph Webster of his guilt of the offence of selling liquor, even though sufficiently charged, was not admissible, unless and until evidence independent of such admission tending to prove the corpus delicti had first been adduced, and that no such evidence of the corpus delicit had been so adduced, there being nothing in ~~the record tending to show sales to have been in fact made by Ralph Webster~~; but the court overruled the said objections and permitted the witness to answer as above set forth to which action of the court in so overruling said objections and each of them, to and in so permitting the witness to answer, the defendants, by Counsel, ~~f~~

This 15th day of April 1908 Upon the first question Signed J. R. Shacklett Circuit Judge

Excepted within thirty days from the date

Commonwealth

vs.

Daniel Webster and Ralph Webster.

Certificate No. 14.

Upon the trial of this case, the Commonwealth's Attorney having propounded to Lewis Cromer, a witness on its behalf, the question: "Is there any special ear-mark about any of those jugs?" the witness answered: "I told the Sheriff what this one jug looked like before I ever seen it at all. I told him that they had a three gallon jug with the handle broke off and a mould-mark on it."

Whereupon the defendants, by counsel, moved the Court to instruct the jury to disregard the said answer of the witness on the ground that it was not permissible for the witness to testify to a statement made by himself, in pais, by way of corroborating his testimony, but the Court overruled the said motion and permitted the ~~witness to~~ answer to stand ~~the said questions and each of them, as above set forth,~~ to which action of the Court in so overruling ~~each of said objections~~ said motion and in so permitting the ~~witness to~~ answer to stand ~~each of the said questions~~, the defendants, by counsel, excepted.

Given under my hand this 15th day of April, 1924, within 60 days from the date of the final judgment.

J. N. Haas, Judge.

Commonwealth

vs.

Quiet Johnny and Billy Sawyer.

Certificate No. 16.

Upon the court of this county, the Commonwealth's Attorney having presented to Hella Jenner, a witness on the behalf, the following questions: "Is there any doubt in your mind about the guilty, Mr. Johnny Sawyer?" "I DON'T KNOW MORALLY AND I THINK ONE OF THE DEFENDANTS BOTH, I KNOW WHAT IS IN MY MIND. I HAVE THE DOUBT THAT THEY DID A CRIME WHICH DID THE DEATH OF MR. AND A SIGNIFICANT IN LIFE."

Whereupon the defendants, by counsel, moved the court to instruct the jury to disregard the said answer of the witness on the ground that it was not responsive to the question to which it was a statement made in response to question to prejudice the defendants, by counsel, excepted.

Given under my hand this _____ day of April, 1900.

_____, Judge.

Com
v
Thomas Marshall and
Minnie Marshall

CERTIFICATE NO. 1 .

The following evidence on behalf of the Commonwealth and of the defendant respectively, as hereinafter denoted, is all of the evidence that was introduced on the trial of this case.

CERTIFICATE NO. V.

INSTRUCTION NO. 1.

The Court instructs the jury that in the State of Virginia no search warrant authorizing an officer to search the premises of any person can be issued until there is filed with the officers authorized to issue the same an affidavit of some person reasonably describing the house to be searched, the things to be searched for thereunder, alleging briefly the material facts constituting the probably cause for the issuance of such warrant, and alleging substantially the offense in relation to which said search is to be made - that no such warrant shall be issued on an affidavit omitting the aforesaid essentials; and if the jury believe from the evidence that the affidavit upon which the search warrant was issued, authorizing J. L. Dirting to search the house of Thomas J. Marshall omitted any of the aforesaid essentials, then the Court instructs the jury that the search of the house of Thomas J. Marshall by J. L. Dirting and the other officers with him was an illegal search; and although they further believe from the evidence that the accused, Thomas J. Marshall and Minnie Marshall, his wife, obstructed or impeded the officers, the jury are instructed that such obstructing or impeding constituted no crime against the laws of Virginia, and they must find the accused not guilty.

INSTRUCTION NO. 2.

The Court further instructs the jury that a man's home is his castle, and that he has the right to protect the same; that although they believe from the evidence that Thomas J. Marshall took hold of the officer at one time and held him when he was in his house, and took his gun out of its cover at another time; yet if they further believe from the evidence that he did so thinking that his wife was in danger of being

.J .OR NOITCERRECI

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.A .OR NOITCERRECI

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injured, then the Court tells the jury that such action on the part of the said Thomas J. Marshall constituted no offense against the laws of the State of Virginia, and they should find him not guilty.

The foregoing two instructions, requested by the defendant, were denied, and the defendant excepted.

Teste: this 7th day of June, 1924.

J. R. Haas Judge.

CERTIFICATE NO. 3.

The following instructions granted at the request of the Commonwealth and of the defendant, respectively, as hereinafter denoted are all of the instructions that were granted on the trial of this case.

This instruction was granted at the request of the Commonwealth:

INSTRUCTION NO. 1.

"The Court instructs the jury that if the defendants, or either of them, knowingly resisted, impeded, or obstructed, or in any manner hindered or delayed Officers W. T. Rexrode, John Funk, or John Dove, or either of them, while they had in their hands a search warrant issued by F. J. Argenbright, J. P., you will find them guilty."

This instruction was granted at the request of the defendant:

INSTRUCTION NO. 2.

"The Court further instructs the jury that if the jury believe from the evidence that the accused, Minnie Marshall, turned over the bottle containing the ardent spirits out of sheer fright and without any intention to obstruct or impede the officers in their search, or shut the upstairs door without any like intention, then the Court tells the jury that the action of Minnie Marshall constituted no offense against the laws of Virginia, and they should find her not guilty."

Teste: this 7th day of June, 1924.

J. R. Haas Judge.

CERTIFICATE NO. 2.

The following instructions granted at the request of the Commonwealth and of the defendant, respectively, as hereinafter denoted are all of the instructions that were granted on the trial of this case.

This instruction was granted at the request of the Commonwealth:

INSTRUCTION NO. 1.

"The Court instructs the jury that if the defendants, or either of them, knowingly violated, impeded, or obstructed, or in any manner hindered or delayed officers W. C. Semrede, John Ford, or John Dove, or either of them, while they had in their hands a search warrant issued by J. L. Argenbright, J. P., you will find them guilty."

This instruction was granted at the request of the defendant:

INSTRUCTION NO. 2.

"The Court further instructs the jury that if the jury believe from the evidence that the accused, Minnie Marshall, turned over the bottle containing the ardent spirits out of doors quickly and without any intention to conceal or impede the officers in their search, or shut the upstairs door without any like intention, then the Court tells the jury that the action of Minnie Marshall constituted no offense against the laws of Virginia, and they should find her not guilty."

Given: this 27 day of June, 1924.

Judge.

CERTIFICATE NO. 4.

During the argument of the Commonwealth's Attorney, D. Wampler Earman, ~~in opening the case~~, he stated that it was necessary to put a stpp to the resistance of prohibition officers by private persons, that only recently had ~~men~~ McManaway been killed at Covington, Virginia, which statement was promptly ~~objected~~ excepted to by the attorney for the defendant, ~~but the Commonwealth's attorney was allowed to proceed with his argument without reprimand or admonition by the Court, notwithstanding the defendant's objection allowed by the Court, and the defendant excepted.~~

Teste: this 7th day of June, 1924.

J. R. Haas Judge.

CERTIFICATE NO. 5.

After the jury had returned into court and rendered its verdict, the accused moved the Court to set aside the verdict because the same was contrary to the law and the evidence, and because of the refusal of the court to give the instructions requested by the accused, and to award him a new trial, which motion was overruled by the Court, and judgment entered upon said verdict against the accused, to which action of the court in overruling said motion, and entering said judgment, the accused excepted.

Teste: this 7th day of June, 1924.

J. R. Nash Judge.

CERTIFICATE NO. 6.

In the charge given by the Court to the jury they were told that the punishment applicable to this offense was a fine of not less than $100.00, nor more than $1,000.00, and confinement in jail not less than two, nor more than six months; whereupon the accused, by counsel, moved the Court to charge the jury that if he should be found guilty, the punishment prescribed by law was not less than $50.00, nor more than $500.00 and confinement in jail not less than one, nor more than six months, which motion the Court overruled, to which action of the Court in overruling said ~~action~~ motion, the accused excepted.

Entd: This 7th day of June 1924

J. N. Haas Judge

CERTIFICATE NO. 7.

W. T. Rexrodes testified that the search warrant which he had in his hands for execution in this case was not now in his possession, that he had seen it at a preliminary hearing in this case and that he supposed it was in the possession of F. J. Argenbright; whereupon the defendant, by counsel, objected to ~~him~~ Rexrodes testifying as to any acts of his performed under the said alleged search warrant unless it was first produced. The Court over-ruled, ~~but notwithstanding~~ the defendant's objection, the Commonwealth's attorney ~~was allowed to testify~~, and the defendant excepted.

Teste: this ___ day of June, 1924.

_____ Judge.

Certificate No. 7

When W. T. Rexrode, State Prohibition agent, was offered as a witness, being the first witness sworn, and was asked as to the search of the Marshall home, demand was made on behalf of the defendants for the production of the search warrant - Rexrode said he did not have it and did not know where it was; that it was issued and was present at the preliminary trial; that he supposed Mr. Earman, the attorney for the Commonwealth, or Mr. Argenbright, had it, or the justice who issued it; Mr. Earman stated that he did not have it and did not know where it was; and J. F. Blackburn, the Clerk of the Court, being inquired of, said it was not in his office: whereupon the defendants by counsel objected to Rexrode's testifying to any acts done under the alleged warrant unless it was first produced. The Court overruled the defendants objection and allowed the witness to testify to the acts done under said search warrant, and the defendant excepted.

Teste this 7th day of June 1924.

J. H. Haas, Judge

CERTIFICATE NO. 8.

~~When~~ The witness, W. T. Rexrodes, ~~was on the stand~~, ~~he~~ testified that while he did not have the search warrant, ~~when he~~ made the search in this case, yet the search warrant which he did have was of a form exactly similar to the following form of a search warrant, being the form furnished by the Attorney General's Office:

"Commonwealth of Virginia - City, County of Rockingham, to-wit:

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

WHEREAS _____ of the said County has this day made complaint and information on oath before me, _____, _____
Name of Magistrate Title,
of the said County that he verily believes that in the said County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain _____
(Here describe the place, house, room or boat, as the case may be)
by one _____,
(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 _____
(Give name, if name unknown, say "Whose name is to the informant unknown")
in a certain dwelling house and outbuilding.
(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 ___ day of _____ 19__.

_____ (SEAL)

_____
Title of Magistrate.

The witness, further stated that under the heading "and there being reasonable cause for such belief" no ground was given; whereupon the accused, by counsel, moved the Court to strike out all the testimony of the witness relating to the search warrant on the ground that a search warrant could not be issued without stating some reasonable cause for belief that a crime had been committed; but notwithstanding the accused's objection, the evidence was admitted, and the defendant excepted.

Teste: this 7th day of June, 1924.

J. R. Hart Judge.

Dallas

Dear Mr. Hunt:

Thank you very much for your letter of the 11th and the enclosure which I have read with great interest. Some time ago I had a long talk with Mr. Lamontagne, who is a very good friend of mine, and he gave me a very good impression of the Quinquatrian and I believe that we could do a great deal worse than to have a group exhibition there. Mr. Lamontagne is coming to Dallas next week and I shall see him then and talk it over with him. Perhaps you could come down at the same time and we could have a good talk about it.

Sincerely yours,

H. L. Hunt

Mr. H. L. Hunt
Dallas, Texas

CERTIFICATE NO. 4.

~~When~~ the witness, W. T. Rexrodes, ~~was on the stand, after~~ testifying that he did not have the search warrant, under which he made the search in this case, ~~yet~~ but ~~that~~ he did have the affidavit upon which the search warrant was issued, which was as follows:

" Commonwealth of Virginia--City, County of Rockingham, to-wit

Whereas, J. L. Dirting, Chief Federal Agent of the said County has this day made complaint and information on oath before me, F. J. Argenbright, J. P. of the said County that he verily believes for the reasons hereinafter stated in the said County and State:

(a) Ardent spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used, and concealed, in a certain dwelling house and outbuildings, by one Tom Marshall, located at Mt. Clinton.

(b) A still, still cap, worm, tubs, fermenters and other appliances 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 Tom Marshall in a certain dwelling house and outbuildings.

(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 _____ by one _____.

And there being reasonable and probable cause for such belief, on account of the following facts stated by the affiant and others, to-wit: upon information and complaint of citizens.

This is to certify that I have this day issued a search warrant to search the said dwelling house and outbuildings for the said still and ardent spirits.
Given under my hand this 15th day of March, 1924.

(Signed) F. J. Argenbright
Justice of the Peace. "

Whereupon the accused moved the Court to strike out all of the testimony of W. T. Rexrodes with reference to a search warrant being issued at all, because the said affidavit was not in accord with law, in that it did not allege the things to be searched for thereunder, the material facts constituting the probable cause for the issuance of such

warrant and the offense in relation to which search is to be made, but the Court overruled said motion and the accused excepted.

Teste: This 7th day of June, 1924

J. R. Haas Judge

(1)

Testimony for the Commonwealth

a State Revenue Officer

W. T. Rexrodes testified that he and John Funk, ~~knocked on the door of Thomas J. Marshall's home in Mt. Clinton, Rockingham County, Virginia, that it was in the afternoon about the 15th of March, 1924, that Marshall and his wife were in the front room, that Marshall had been sick; that Marshall came to the door and invited him and Funk in, that they went in, and he, Rexrodes, told Funk to read the search warrant, as he did not have his glasses with him; that he could not find the search warrant under which he made the search in this case; that the last time he saw it was at the preliminary hearing; that he supposed it was in the ~~office~~ possession of magistrate of F. J. Argenbright who issued it, (accused objected to witness testifying as to any acts performed under the search warrant unless it was first produced, court overruled objection and accused excepted); that he had a form exactly similar to the search warrant which he ~~did have when he searched Marshall's home, which was in the following words and figures:~~ was acting under at the Marshall home, which was on a printed blank furnished by the Attorney General's Office; the form was as follows:

J. P. Dirlington S. federal prohibition agents, and John Dove, deputy Sheriffs of Rockingham County, went together to the home of Thomas Marshall, near Mt. Clinton in Rockingham County, on the afternoon of to execute a search warrant for ardent spirits issued by F. J. Argenbright, a justice of the peace of Rockingham County, on the affidavit of said Dirling; that they were met at the door by Thomas Marshall, who invited them in, and that he and Funk went in; that witness told Marshall that he had a search warrant for his house, and passed the warrant over to Funk and told him to read it, ~~[illegible]~~ saying that he (the witness) did not have his spectacles with him; the witness being called upon by counsel for defendant to produce the search warrant said he did not have it, that the possession of the warrant was with the magistrate who had issued it, and that he was not in his possession at the time. Mr. Earman, attorney for the Commonwealth, then [illegible] to do so, but he did not. Mr. Marshall testified that he was not in his house at the time the search was made, being in Harrisonburg, and he knew of no other.

"Commonwealth of Virginia - City, County of Rockingham, to-wit:

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

Whereas _____ of the said County has this day made complaint and information on oath before me, _____ of the said County that he verily believes, that in the said County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain _____ by one _____

(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 _____ in a certain _____.

(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 _____ by one _____
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

and J. J. Dirlington, Clerk of the Court, being subpoenaed by said Marshall was not in his office.

(2)

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 possessionof 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 ____ day of _____, 192__.

_____(SEAL)

_____
Title of Magistrate".

That in the search warrant in this case, ~~under the~~ The ~~heading~~ words "and there being reasonable cause for such belief" ~~stated no ground~~ were not followed by any statement of what the grounds were, (objection by the accused on the ground that a valid search warrant could not be issued without giving reasonable cause for such belief objection overruled, exception taken); the witness, proceeding further said that he did have the affidavit upon which the search warrant was issued, which was in the following ~~form:~~ words and figures:

"Commonwealth of Virginia -- City, County of, Rockingham to-wit:

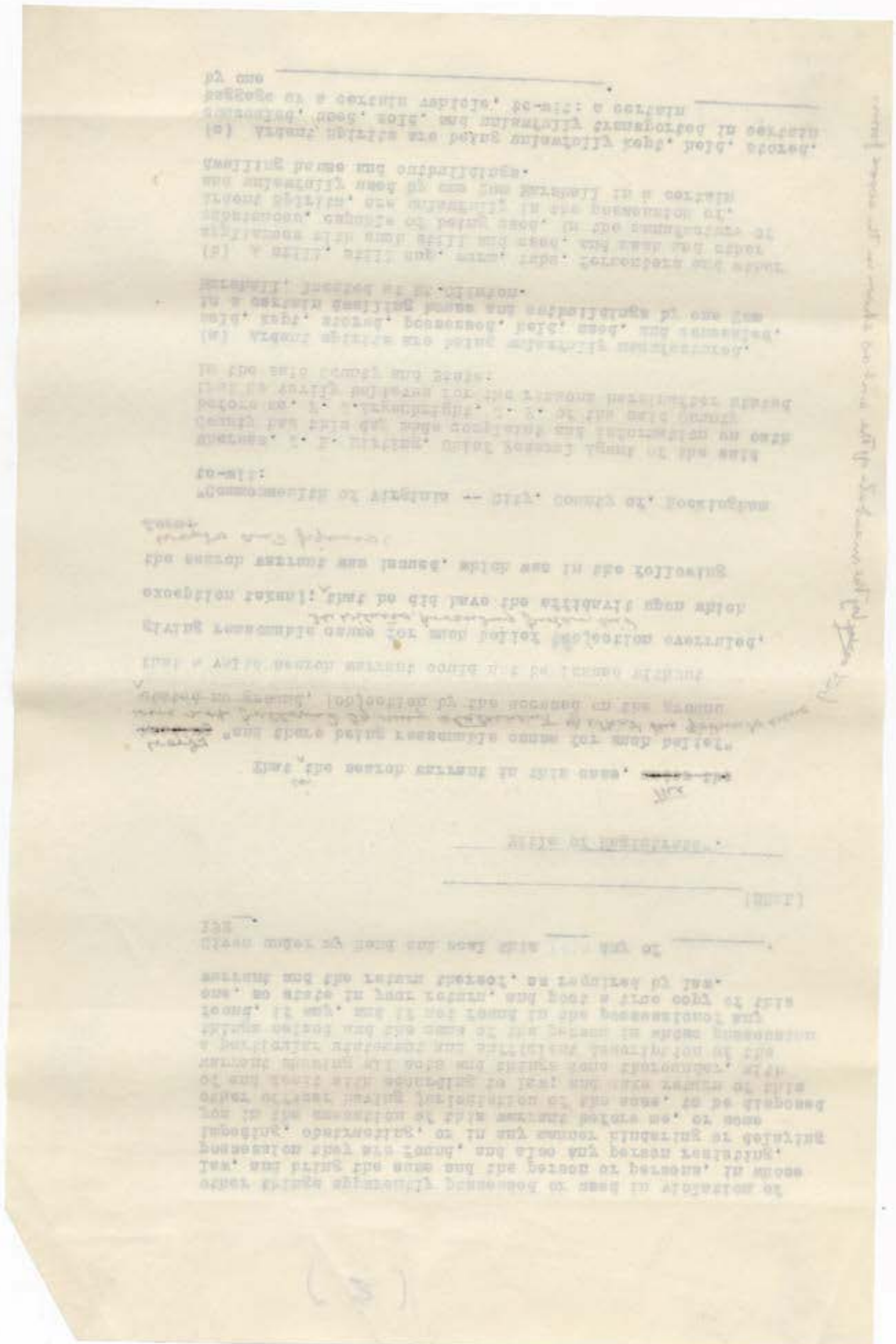
Whereas, J. L. Dirting, Chief Federal Agent of the said County has this day made complaint and information on oath before me, F. J.Argenbright, J. P. of the said County that he verily believes for the reasons hereinafter stated in the said County and State:

(a) Ardent spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used, and concealed, in a certain dwelling house and outbuildings by one Tom Marshall, located at Mt.Clinton.

(b) A still, still cap, worm, tubs, fermenters and other appliances 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 Tom Marshall in a certain dwelling house and outbuildings.

(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 _____ by one _____.

Apply the mandate of the writ as shown in the above form.



(3)

And there being reasonable and probable cause for such belief, on account of the following facts stated by the affiant and others, to-wit: upon information and complaint of citizens.

This is to certify that I have this day issued a search warrant to search the said dwelling house and outbuildings for the said still and ardent spirits.

Given under my hand this 15th day of March, 1924.

(Signed) F. J. Argenbright
Justice of the Peace."

(A motion was made to strike out all the evidence of W. T. Rexrodes with reference to the search warrant because the affidavit did not set out the things to be searched for thereunder; the material facts constituting the probable cause for the issuance of such warrant, and allege substantially the offense in relation to which said search is made. (Motion overruled, accused excepted);

The witness, proceeding further, said that when he passed to the warrant to ~~that Mrs. Marshall, who had in a pan water and potatoes, ran up the stairs; that he, Rexrodes, ran up after her; that Thomas Jr. Marshall came up after him and John Funk came after Thomas Jr. Marshall; that Mrs. Marshall slammed the door shut; that he pushed against the door, could not get it open, then he took his foot and pressed against the door, then it flew open and hit Mrs. Marshall, knocking the pan out of her hand and causing the water to spill out on the floor, that about this time, Thomas J. Marshall caught hi Rexrodes, around the waist, and that about the time the door flew open, Mrs. Marshall, with her foot turned over a little bottle or jar containing liquor.~~ Funk and told him to read it, Funk had read only a few words when Minnie Marshall (wife of Thomas), who was standing by, turned and ran towards the stairway going to the second floor of the house, whereupon he called to her to come back and not go up stairs, but she continued her course and ran upstairs; that witness followed her to the upstairs where she ran into a room and slammed the door shut in witness's face; that witness called to her once or twice to open the door and tried to open it himself by the door knob, but without avail, and then traced the door open; that by that time Thomas Marshall, who had followed him, came up behind him and caught him around the body with his arms, and held him securely, pinioning the arms of witness to his sides; that while witness was so held Mrs. Marshall emptied a jar containing whiskey, either turned it over with her foot or emptied it with her hand; that while witness was held by Marshall, Funk, who had followed Marshall, came up and took hold of Marshall and told him to let go of witness, which Marshall did; that the whiskey was turned out before witness was released; that the vessel con-

Evening the whiskey was over by the window, and witness saw Mrs. Marshall there where it was, after he got the door open, and when he was released witness wet his finger in the whiskey on the floor and tasted and smelled it; that witness and Mrs. Marshall went to the downstairs then, in advance of Frank and Thomas Marshall.

Called in rebuttal this witness said he did not have his pistol out at all while at the Marshall place.

(C4/ Federal Revenue officer

that he was a federal prohibition agent.

John S. Funk testified that he was with Mr. Rexroder, and went in with him to the Marshall home; that they were invited in by ~~Mrs.~~ Marshall, that when they got in, Rexroder did not have his glasses and asked him to read the warrant; that he started to read the warrant and ~~the~~ Mrs. Marshall, who was in the room with a pan in her hands in which was water and potatoes, started up the steps, that ~~the~~ Rexroder started up after her, and Thomas Marshall started up the steps after ~~Mrs.~~ Rexroder, and he started up after ~~Thomas~~ Marshall,

continued to p 2 next page

(1) [redacted]

[redacted] that when he got to the door at the top of the steps, Thomas Marshall had his arms around the ~~waist~~ body of Rexroder, holding him, and Rexroder had the door open. ~~Funk stated~~ that he heard Mr. Marshall say something about break the bottle. He was not sure whether it was "to break the bottle" or "not break the bottle". ~~Funk stated~~ that Mr. Rexroder went up into the garrett, that he, Funk, stayed in the upstairs room for a few minutes and then there was a noise below like a child crying, and Thomas Marshall grabbed his gun ~~and took the cover off of it~~, that he, Funk, took hold of the gun ~~Thomas Marshall~~ and Thomas Marshall made some remark to the effect that he ~~was going to protect his family~~, that he, Funk, ~~assured~~ Marshall that he, Funk, would see that no harm came to his family, whereupon Marshall put his gun back in the ~~cover and set the gun up against the wall; that he, Funk, then assisted Marshall down stairs to the bed.~~

John Dove testified that he and a federal revenue officer by the name of J. L. Dirting ~~were~~ stayed on the outside of the Thomas J. Marshall house, and did not go into the said house until he heard some kind of a noise, that he did not get upstairs at all; that ~~after~~ when Mrs. Marshall came down stairs, ~~she~~ kept fanning the curtain around so as to keep him from catching the liquor ~~which was dripping down from the ceiling above~~. He said he smelled the liquor and knew that it was liquor; that he saw J. L. Dirting push Mrs. Marshall down into a chair; ~~testified~~ that he did not push her down very hard; that Dirting pushed her down into the chair because ~~Mrs. Marshall~~ she kept trying to catch the liquor ~~that was dripping from the ceiling~~, with the curtain, to keep ~~the officer (Dove)~~ him (Dove) from getting ~~the same in some kind of a container which he had.~~ the vessel he had.

called in rebuttal this witness said the witness John Custer did not go upstairs at all, but left the house almost immediately after the other officers entered and ran towards his own home, and did not come back.

Testimony for the Defense
~~EVIDENCE FOR THE DEFENSE.~~
wife of Thomas J. Marshall

Mrs. ~~Thomas~~ Minnie Marshall, ~~[redacted]~~ testified that she was a daughter of Jacob Custer of near Mt.Clinton, Rockingham County, Virginia, and twenty-five years old, further testified that she and her husband, who she said, was not working, he having been sick, her brother, John Custer, and one of her children were in the front room of their ~~[redacted]~~ home, situate near Mt. Clinton, RockinghamCounty,Virginia, ~~that~~ one afternoon in March when she looked out of the window and saw four men coming towards the house, that she thought they were coming to see her husband and she told her husband and he went to the door, that only two of the men came up to the door, John R. Funk, a federal revenue officer and W. T. Rexrodes, the State Revenue Officer, that her husband invited the officers in, that they came in, and Rexrodes told her husband that he had a search warrant to search his house, that her husband asked to let him see it, that she at that time had in her hands a pan with some water in which she had some potatoes which she was peeling for the next meal; that Rexrodes said to John R. Funk that he, Rexrodes, did not have his glasses, and for him, Funk, to please read the warrant for him, that when Officer Funk started to read the warrant, she started upstairs to see what had become of one of her children, that when she got a portion of the way up the stairs she recalled that she and her husband had a small jar containing about half pint of liquor which she had gotten in this way,- she and her husband were living near Island Ford, Rockingham County, Virginia, which is along the line of the Norfolk & Western Railroad ~~xxx~~ one morning when a a stranger came to their house and asked for his breakfast; after he ate his breakfast, he said he had nothing with which to pay for the same, but that he did have a quart of liquor which he would

(5)

like to leave with them, that it might do them some good, that neither she nor her husband wanted to take the liquor, but the stranger insisted upon them ~~so~~ doing; that she had thought at the time a person had a right to have a small quantity of liquor in their home for family use; that, however, the thought came to her on the steps that maybe she was mistaken, and she thought then that possibly she had better destroy this little liquor, that soon after she went up the steps, Officer W. T. Rexrodes took after her with pistol in his hand, hollering "Halt, I will shoot you", that she went into the room at the head of the steps, closed the door, and ~~xxx~~ not knowing exactly what she was doing at the time, being very much frightened turned over the jar containing the liquor with her foot, that Mr.Rexrodes pushed the door in, and the door flew open against her with the pan of water in which she had her potatoes, and knocked the pan out of her hand, and the water over the floor; that her husband had hold of Mr.Rexrodes; and that Mr. Funk had hold of her husband; that she then went back downstairs and tried to keep the water which was dripping from the ceiling from ruining the counterpane upon her bed; that J. L. Dirting, Federal Revenue Officer, and John Dove, Deputy Sheriff of Rockingham County, were in the downstairs room when she came down; that J. L. Dirting took hold of her without any cause, taking her by the fleshy part of her arms and set her down in the rocking chair so hard that it knocked two rounds out of the rocking chair on the floor; that one of her children who was in the room screamed out at this time.

Thomas Marshall testified, that he was at home sick, having had an attack of grippe or ~~the like~~ something similar, that hehad had the doctor, and along in the afternoon when the raid was made, had been lying on the bed inthe front room of their little home, that in the afternoon, his wife told him that

four men were coming up to the house; that he went to the door and found Officer W.T. Rexrodes and Officer John Q. Funk there, that he invited them in, that after they had gotten in, Officer Rexrodes said that he had a search warrant, that he, Marshall, asked to see it, that Officer Rexrodes asked Officer Funk to read the warrant as he, Rexrodes, did not have his glasses, that Marshall's wife was in the room at the time, having in her hands a pan with some water and potatoes, she having been engaged in preparing potatoes for the next meal, that his brother-in-law John Custer was also in the room at the same time, and one of his small children, that his wife about the time Officer Funk began to read the warrant started up stairs, and that as soon as she started up the steps, Officer Rexrodes started after her with a gun in his hands, and told her "to halt", that he did not know what was going to happen and immediately started after Officer Rexrodes, that Officer John Q. Funk started after him, that when he got to the top of the steps, Rexrodes was forcing, or had broken the door open, knocking the pan with the water and potatoes out of his wife's hands, that he took hold of Officer Rexrodes, holding him about his waist, and that Officer Funk took hold of him, that he, Marshall almost immediately let go of Officer Rexrodes, and then Officer Funk let go of him; that Officer Rexrodes and Officer Funk and himself went up tothe garret, that Officer Funk came back from the garrett and about the time that he got back into the upstairs room, he Marshall, heard a scream from his child down below and something falling on the floor, that he took his gun from the corner, and said to Officer Funk, "I am going to protect my family"; that Officer Funk took hold of him, telling him that he would guarantee him that his family would be protected, that immediately upon this assurance, he put his gun back in the corner and set it down, that he then went down stairs; that he heard a voice below say "Shoot the _____".

that he found out afterwards that this man was J. L. Dirting, a Federal Revenue Officer, who was rather heavy set and stockily built.

John Custer, Mrs. Marshall's brother, testified that he was in the room with his brother-in-law and saw the four men coming up to the house on the evening of the raid, that they, as he thought, were coming to see his brother-in-law, who had been home from work, sick; that Mr. Rexrodes and Mr. Funk came to the door; that Mr. Rexrodes and Mr. Funk came in; that Mr. Funk started to read the warrant for Mr. Rexrodes, that when his sister, Mrs. Marshall, started up the steps Mr. Rexrodes followed her and called to her "I will shoot you"; that his sister's husband, Thomas Marshall said "That is not going to do", and went up the steps after Mr. Rexrodes, that John Funk followed his brother-in-law up the steps and that he followed John Funk, that when he got to the top of the steps, he found his brother-in-law with his arms around Rexrodes and John Funk with his arms around his brother-in-law; that they "cut apart" in a very short time; that he went down the steps and into the lower room; that he saw Dirting take his sister and push her down into a chair very roughly — so rough that it knocked her rounds out of the chair

age about 50 years

Charles Cline, a farmer, living within a mile and a half of Mt. Clinton, Rockingham County, Virginia, where Thomas Marshall and his wife reside, testified ~~that he had known them both for some eight or ten years~~, that he had known Thomas Marshall for some six years and had known his wife, Minnie Marshall for ten or more years; that he knew the general reputation of both in the community in which they lived with reference to violating the prohibition law and for truth; that they were not regarded as violators of the prohibition law; that their ~~word~~ reputation for truth was good; that he would believe them both on oath in a case in which they were interested; and that Marshall and his wife were hardworking, industrious young people.

age about 48 years

George Ritchie, another farmer, living about a mile from Mt. Clinton, Rockingham County, Virginia, testified that he had known Thomas J. Marshall for five or six years, had known his wife, Minnie Marshall, for nine or ten years; that he knew the general reputation of both with reference to violating the prohibition law and for truth; that they were not regarded as being violators of the prohibition law; that their reputation for truth was good; that he would believe them on oath in a case in which they were interested; and that Marshall and his wife were hardworking, industrious young people.

age about 68

W. P. Driver, testified that he lived in the village of Mt. Clinton, Virginia, that he was a Justice of the Peace, for Rockingham County, Virginia, that he had been a Justice one term before his present term; that he had known Thomas J. Marshall for five or six years; that he had known Minnie Marshall for nine or ten years; that he knew the reputation of both for violating the prohibition law and with respect

(11)

to truth; that they were not regarded as violators of the prohibition law; that their reputation in the community for truth was good; that he would believe them both in a case in which they were interested; and that they were both industrious and hardworking young people; that because of his official position in the community he knew the men to whom such confidence could be accorded.

Dr. C. H. Ralston, aged about 60, testified that he had been practicing medicine for thirty-nine years, living at Mt. Clinton, Virginia, that he had been a member of the General Assembly of Virginia for several terms; that he lived a very short distance from the home of Thomas J. Marshall and his wife, Minnie Marshall, that he had known Minnie Marshall for some ten or twelve years, that he had known Thomas Marshall for some six years or more; that he knew their general reputation in the community with respect to violating the prohibition law and with respect to truth; that they were not regarded as violators of the prohibition law by the people in the community in which they lived; that their reputation for truth was good; that he would believe them both in a case in which they were interested, and that they were both industrious, hardworking young people. (that he had attended Thomas J. Marshall in his last illness for a cold.)

(12)

Teste: this 9th day of June, 1924.

J. N. Hass Judge.

In the Circuit Court of Rockingham County, Va.

Commonwealth

vs.

Daniel Webster and

Ralph Webster.

Be it remembered that upon the trial of this case, the Commonwealth to maintain the issue upon its part introduced the following witnesses, who testified as follows:

~~Morrison, counsel for defendants.~~

Mr. Justis Estep, being first duly sworn, testified.

-- Examined by Mr. Darman.--

1 Q What is your name? A Justis Estep.

2 Q What is your age? A Twenty-three.

3 Q You live here in the City? A Yes.

4 Q What is your business? A Drive taxi.

Q Do you know the defendants here, Ralph Webster and Dan Webster? A Yes sir.

5 Q Have known them for some time? They live here in Harrisonburg? A I think they do.

6 Q You know they do, don't you? A I don't know where they live.

7 Q They live here in Harrisonburg, some place? A Yes sir.

8 Q Did you, or not, take these two defendants for a ride some time here about six weeks ago, the night of this trouble here that we are investigating? A Yes sir.

9 Q When was that? A I don't know what date it was.

The Court: About when was it? A Several weeks ago.

10 Q Since Christmas, wasn't it? A Yes.

11 Q At that time you had what kind of car? A Ford car.

12 Q New one or an old one? A I got it the day before, I think. I think I had had it about one day.

13 Q You had a brand new car, then? A Yes.

14 Q When did they first approach you about taking this trip?

A First, over here where I stay, at Iseman's Store.

15 Q There is a little shoe shop there, and you have your car parked there? A Yes. Dan came; no, Ralph came there for me and said: "Maybe I want you to take me a ride after while."

16 Q What time of day or night was that? A It was about seven o'clock, I reckon.

17 Q After dark in the evening? A Yes sir, I hadn't been back from supper very long.

18 Q Well, what happened then? A I told them: "all right."

19 Q Told them or told him? A Told Ralph.

20 Q Did he come for you later on? A No sir; Dan came for me.

21 Q Where were you then? A On Water Street, in Dolan's pool room.

22 Q Inside or outside? A Inside.

23 Q How did you happen to go down there? A Just stopped in there. I went down to look for my brother Raymond, I think.

24 Q Had Ralph said anything to you about meeting you at the pool room? A No sir.

25 Q When did he say he would let you know? A He didn't say.

26 Q When you went to the pool room, you found in the pool room Daniel and Ralph Webster? A Dan. Didn't see Ralph.

27 Q What did Dan say? A He said: "Busy?" I said "No." He said: "I want to hire your car for a while."

28 Q Where was Ralph then? A I don't know.

29 Q Where did Dan say he wanted you to take him? A He didn't say. He said: "Out this way, out North Main."

30 Q Didn't you ask him where he wanted you to take him?

A No sir.

The Court: Did he direct you which way to go? A Yes sir, he said: "Drive up North Main."

31 Q Did you ask him whether he wanted to go to the country?

A No sir.

32 Q When did he say he was coming back, that night or when?

A He didn't say.

33 Q All right, when he said drive him out North Main Street, did you drive him up that way? A Yes sir.

34 Q Where did you find Ralph? A About two miles down the country.

35 Q About two miles down the country? A About two or three miles.

36 Q How did you happen to go down there? Who told you to go down there? A Dan.

37 Q Where was it that he first told you he wanted you to take him to the country? A Out about the mill.

38 Q When he got out to the big mill, then he said take him out over the hill? A Yes sir.

39 Q When you got out on top of the hill, where did he tell you to take him? A He didn't say. He said: "Keep right on down the road," -- the Linville Road.

40 Q That is commonly called the Kratzer Road? A Yes sir.

41 Q How far did you go down that road? A About two or two and a half or three miles.

42 Q Are you familiar with the people living down that road?

A No sir.

43 Q Do you know in what neighborhood you stopped? A I guess it was about half way to Linville.

44 Q How far is it from here to Linville? A Five miles.

45 Q Did he tell you who he was going for? A No sir.

46 Q When did you first learn that Ralph was down there?

A Got down there and Ralph got in the car was the first I knew.

47 Q You know where General Roller's place is? A No sir.

48 Q Did you go beyond that big steep hill? A No sir, just this side of that hill.

49 Q Where did Ralph come from? A Dan got out of the car and taken a walk and said: "Wait here," and when he come back Ralph was with him.

50 Q Which way did Ralph walk? A I didn't pay any attention.

51 Q Any woods around there? A Not anywhere close.

52 Q Did he go in the direction of any house? A I didn't pay any attention to which way he went.

53 Q Couldn't you tell by the sound of his footsteps which way he had gone? A I know he didn't go down in front of the car.

54 Q He left the road, didn't he? A I don't know.

55 Q If he didn't go down in front of the car, he must have.

A He could have gone north, back of the car.

56 Q Can't you tell us which way he left? A I don't know. I didn't ask him where he was going.

The Court: Did you turn the car around before he left? A Before he left.

The Court: It was pointing south then? A Yes sir.

The Court: He could have gone north, then? A Yes sir.

57 Q How long was he gone? A I don't know.

58 Q Give us some idea. A He could have been gone ten or fifteen minutes, maybe twenty.

59 Q How did you happen to turn the car around? Did he tell you to? A Yes sir.

Objectionby Mr. Dechert to the leading of the witness.

The Court: The last question was leading, in part.

60 Q Do you know where their farm is down in that neighborhood?

A No sir.

61 Q Well, when they came back, -- when Dan came back, you say he was accompanied by Ralph? What, if anything, did they have?

A I don't know.

62 Q What direction did they come from? A The first I seen him was when they got in the car. I heard them walking.

63 Q Do you know where Mr. Fries lives? A On the hill.

64 Q You stopped right close to his house? A This side of his house. Fries lives on the hill, doesn't he?

65 Q Is that where Dan went to? A He might have went there. I don't know.

66 Q How far is Fries's house from the road? A It sets right on the road, right close to the road.

67 Q What is Fries's name that lives there? A I don't know.

68 Q You say they came back and you didn't observe them until they were getting in the car,-close to the car? A No sir.

69 Q What did they have in their hands? What were they carrying? A Nothing that I seen.

70 Q You made an affidavit, didn't you, that when they got in the car they had two bags? A No sir.

71 Q Were you watching them when they got in the car? A I seen them get in the car.

72 Q Couldn't you see whether they had anything, or not? A I didn't pay any attention.

73 Q Didn't you see that they had two bags;that Dan was carry-~~ingxxxxx~~ing a guano or fertilizer bag, and that Ralph was carrying one? A No sir.

74 Q Didn't you say that before Justis Devier? A No sir.

75 Q What did they say when they got back? A Didn't say anything.

76 Q Where did they tell you they wanted to go? A They said

they might not go all the way back to town. They might want to get out at the pottery.

77 Q Coming back to Harrisonburg, did you meet any one? A Yes.

78 Q Who? A Sheriff Dove.

79 Q Who was driving? A Shine Powell.

80 Q Who was with them? A I couldn't tell who was with them. I didn't pay any attention.

81 Q You had your lights off when you first saw the car, didn't you? A No sir.

82 Q When was it you turned them off? A Never turned them off.

83 Q Are you sure of that? A Yes sir. I might have turned them off when I stopped. It was a new car. I am used to a Chevrolet.

84 Q Where did you stop? A At the pottery.

85 Q What did you stop there for? A To let them out.

86 Q What did they want to stop there for? A I don't know. I never asked them.

87 Q What did they take with them when they got out of the car?

A They had a sack, one of them, I think it was Ralph. Had it rolled up under his arm.

88 Q Where did he get that sack? A I don't know. I never asked him.

89 Q You didn't have it in your car, did you? A No sir.

90 Q What did he have in it? A I don't know. I never looked.

The Court: You didn't have a sack when you started out?

A No sir; didn't have one when I started out.

91 Q (Showing the witness a sketch on yellow paper), Estep, this circle here represents Harrisonburg. The Kratzer Road runs north, doesn't it, between here and Linville? A Yes.

92 Q Now, when you left that night you went out Main Street, out by the mill, out over the Kratzer Road until you got down about where Mr. Fries lives, about two or two and a half miles from Harrisonburg? Then you turned around and came back? Where was it you met Mr. Dove? A Maybe half a mile.

Mr. Dechert: Half a mile on your way back?

A Yes, about that or three-quarters.

93 Q He turned around, didn't he? A I don't know.

94 Q He turned around, didn't he? A No sir, I never seen it turn around.

95 Q You came on back to Harrisonburg and when you got out here where the pottery used to be you turned around and went back out the Edom Road? A Yes, I stopped there at the pottery and let them out.

96 Q How far did you take them out? A I turned the corner and let them out.

97 Q You know where that slaughtery is? A Yes sir.

98 Q You testified at the call trial that you took them out as far as the slaughtery, didn't you? A No sir.

99 Q How far did you take them out on the Edom Road after you turned around? A Stopped there just back of that pottery. I don't think I went any further than that.

The Court: How far would that be from the Kratzer Road?

A That wouldn't be no ways at all.

100 Q Where was it your lights went off? A Right there.

101 Q Where they got out? A Yes.

102 Q Why was that? A I don't know.

103 Q Why did you turn them off? A I stopped. I turned the motor off.

104 Q That wouldn't turn the lights off, would it? A The lights

went out accidentally.

105 Q The Websters didn't leave there? A No.

106 Q Did they say where they were going? A No sir. Never asked them.

107 Q Did they pay you for making the trip? A Yes.

108 Q How much? A $3.00.

109 Q What did you do then after the Websters had gotten out?

A Kept on out this road.

110 Q To where the Park used to be and the Mennonite School, and took that by-way over to the Mount Clinton Pike? A Yes sir.

111 Q And came on back by the Waterman School? A Yes sir.

112 Q How far, around that way? A Not very far.

113 Q It is at least two miles? A Near about two miles, I guess.

114 Q What did you do that for? Why didn't you come on back to Harrisonburg?

Objection by Mr. Dechert; objection overruled; point saved.

Mr. Dechert: May the line be under exception?

The Court: Yes sir.

115 Q Why did you say you went around that way? A Because I wanted to.

116 Q You were by yourself? A Yes sir.

Mr. Bauserman: That would be two miles each way?

A No sir.

117 Q At the point they left the car, you were in Harrisonburg, weren't you? A Yes sir; it was inside of the corporation limits.

118Q Of course you knew that Mr. Dove and Shine Powell and others were coming up this road, following your car? A No sir.

119 Q You didn't know that? A No sir.

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120 Q Now, who did you meet on the way back to Harrisonburg, on the Mount Clinton Pike? A Sheriff Dove.

121 Q Where did you meet him? A A little beyond the Waterman School.

122 Q You had gone on down the Linville Road about where the Park used to be, and took that by-way to the Mount Clinton Pike, and were on your way back to Harrisonburg when you met Mr. Dove? A Yes sir.

123 Q What did Mr. Dove do? A Waved the flash-lights.

Objection by Mr. Dechert; overruled; point saved.

124 Q And you stopped? A Yes sir.

Objection by Mr. Morrison; sustained.

125 Q You know where these woods are down here, the Cromer woods? A Yes sir; I know the Cromer woods.

126 Q That is a good road, isn't it, to where these woods are? A Not such a very good road.

127 Q How was it that night? A Pretty rough.

128 Q But you went around that way , even if it was rough? A Yes sir.

129Q How far was it from where they got out of the car to where these woods were? A I guess it was three miles, two miles, anyhow; at least two miles.

130 Q You have measured it since? A No sir.

Mr. Dechert: It might help some of the jury to know that the Cromer woods are beyond Assembly Park, considerably beyond.

131 Q The Cromer woods are on the left-hand side of the road, ~~between~~ on the road to Edom, near where Mr. Benjamin Cromer lives? A I don't know where Mr. Cromer lives.

132 Q What did they say when you got out of the car? A They said maybe they would 'phone for me later on.

133 Q From what point? A Didn't say.

134 Q Which one said that? A I don't remember which one.

135 Q Where were you when they said maybe they would 'phone for you later on? A I don't remember just where I was.

136 Q Had they gotten out of the car or were they still in the car? A Still in the car.

137 Q When they got out of the car, where did you say that Webster said they were going? A When they got out of the car? Never said.

138 Q And which way did they go? A I don't know.

139 Q Weren't there any lights where they got out of the car?

A I think there is one on the corner.

Mr. Dechert: At the corner of the two roads?

A Yes sir.

140 Q Did they get out at the corner? A Not just at the corner.

141 Q Couldn't you see from the street light which direction they took? A No sir, never paid any attention to it.

142 Q Now, what direction did they go? A I don't know.

143 Q Didn't you state before Justice Devier,-Sheff Devier,-at the call trial, a day or two after this trip, that when the Websters got out of the car that each of them had bags? A No sir.

144 Q With something in them? A No sir.

145 Q And didn't you make affidavit before John Funk, Federal Prohibition Agent, that when the Websters got out of the car they were carrying bags with something in them? A No sir.

146 Q And now you say that Ralph Webster or which one of the Websters had a bag rolled up under his arm? A Ralph. It may have been two bags, I don't know. It was rolled up under his arm.

147 Q A bag about this size, too, wasn't it? (indicating a sack on the floor). A I don't know.

148 Q Look at that and see whether that is the bag he had under his arm. A I didn't pay any attention to the bag he had under his arm.

149 Q What kind of bag was it? A I don't know. It was a bag this color.

150 Q It just looked like that one, didn't it? A Looked something like it.

151 Q It was this one, wasn't it? A I don't know.

152 Q State how he had this bag. A I don't know exactly, kind of foled up like this.

153 Q Could you tell from your observation of the bag whether it appeared to have anything in it? A I had an idea it was empty. I wouldn't swear it was empty, but it looked to me like it was empty.

154 Q He didn't have that bag when he got into your car, did he? A I don't know. I didn't see it then.

155 Q You didn't have one like that in your car, you said? A No sir.

156 Q This trip that you took these fellows was all in Rockingham County? A Yes sir.

Cross-examination by Mr. Dechert:

1 XQ I just want to ask you one or two questions. The Cromer woods are further away from Harrisonburg than the Assembly Park, are they? A Yes sir.

2 XQ In other words, after leaving theKratzer Road, you have got to come on down past Assembly Park and then continue down the road before you get to the Cromer woods? A Yes sir.

3 XQ The road that you travelled on, after leaving the Kratzer Road, gets into the road after passing Assembly Park? A Yes sir.

4 XQ How far is it from the pottery, as you call it, or what

I call the chemical laboratory, to the road leading past the Mennonite School on this side of Assembly Park? A About a mile.

157 Q By Mr. Earman: Have the Websters been talking to you about this case since the call trial? A No sir.

158 Q Anybody else on their behalf? A No sir.

159 Q Are you real sure of that? A Yes sir.

Witness dismissed.

Mr. Charles W. Dove, another witness, being first duly sworn, was examined by Mr. Earman:

1 Q You are Mr. Charles W. Dove, the sheriff? A Yes sir.

2 Q Dove, who was with you the night that you tried to catch the defendants? A I can't hardly talk (referring to his hoarseness).

3 Q Frank Taylor was with you? A And _____Curry and John Funk.

4 Q Curry and Taylor are special officers for the City of Harrisonburg, and Funk is a Federal Agent? And you picked up a jitney driven by a young man named Powell? A Yes sir.

5 Q And you went out the Kratzer Road? A Yes sir

6 Q Did you meet any one? A Yes; met Justis Estep.

7 Q Who was driving a Ford car? Who were you after?

Objection by Mr. Dechert; sustained.

8 Q Who was in the car driven by Estep? A I don't know. I ccouldn't see. When we was going out the Kratzer Road, we seen a light for a while, but we couldn't see the reflection of the light at all before coming up over the bank, this car was coming down the hill. It was like they had their lights out and had turned their lights on all at once.

9 Q What did you say about their lights? A I said we saw the reflection of an automobile light coming, but it got out of our

sight for a little while, but we was coming up a bank and they was coming this way, and I didn't see their light until probably it was thirty or forty yards from us, and the light just popped up all at once. I think they had their lights off. And they shot right by us.

10 Q All at once the lights were turned on, about a hundred feet ahead of you, and they shot right by you? A Yes sir.

11 Q What did you do? A Turned around and followed them.

12 Q What kind of car were you in? A A Dodge.

13 Q How far had they gotten away from you before you turned around? A It took about a minute and a half or two minutes.

Mr. Dechert: How far ahead were they? A Not so very far, probably a hundred or two hundred yards.

14 Q Did you catch the car? A No sir.

15 Q Did you try to catch them? A Yes. We drove as fast as we could over the rough road.

16 Q What became of their car? A We could see the tail-light off and on until we got to the Railroad. That was the last I seen of the light. It was coming this way.

17 Q You lost the light about the time it reached the Railroad?

A Yes.

18 Q That Railroad is about how far from the Edom Road?

A About a couple hundred feet. I think they was running very fast from the way it jumped up and down. You could tell by the weakening of the light.

19 Q Had the car gone straight on up Depot Hill, you could have seen it, couldn't you? A Yes sir.

20 Q Did you see any light going down the Edom Road? A No sir, Mr. Funk was out on the running-board. I was watching, too, but I didn't see it.

21 Q After the Estep car reached the Railroad there, about

that point, you never saw it again? A No sir.

22 Q Now, this Edom Road from the pottery down to the Park isn't so far from the Kratzer Road, is it? A No sir.

23 Q And there wouldn't have been a thing to have obstructed the view?

Mr. Dechert: You are extremely leading.

24 Q Well, could you, or not, have observed the light of an automobile passing down the Edom Road that night? A I should think I could.

Mr. Dechert: I think I should have objected to that question. Objection overruled; point saved as to this and other questions of a like nature.

25 Q Did you see any light there? A No sir.

26 Q What did you do? A We came on through, out by the Waterman School.

27 Q What did you go that way for?

Objection; overruled; point saved.

A We expected to catch them on the Mount Clinton Pike. We met Justis Estep, stopped him and searched his car, and asked him where he had been.

Objection; overruled.

28 Q You are familiar with this Edom Road? A Yes sir.

29 Q About how far is it from the Cromer woods to where Assembly Park used to be? A Well, I would say about half a mile.

30 Q From this road that goes across from the Mount Clinton Pike? About how far is it from those woods to where the pottery used to be? A That is over a mile.

31 Q Where did you get this jug? A I wasn't at my office. My son got this jug. He can tell.

32 Q When? A The next morning after this chase.

33 Q What is in this jug? A Moonshine liquor, I think.

34 Q Let's pour some out in this glass and pass it around to the jury and let them smell it (pouring from jug).

The Court: Is that the same that he brought to you?

A Yes sir.

The Court: Has been in your possession since?

A Yes sir.

35 Q It smells like and looks like moonshine liquor, doesn't it?

A Yes sir.

36 Q What size jug is that? A About three gallon, I think. Probably a half gllon or more has been taken out. I don't know. It is not quite full.

Mr. Dechert: You mean it has been taken out since it was brought to you or before? A It had been taken out. It is just like it was when it was brought to me.

Witness dismissed.

Mr. A.P.Curry, after being duly sworn, was examined by Mr. Harman.

1 Q You are Mr. A.P.Curry, a ~~City~~ special policeman for the City of Harrisonburg? A Yes sir.

2 Q You were with Sheriff Dove the night he was out on the Kratzer Road, were you not, Mr. Curry? A Yes sir.

3 Q Who else was with you? A Mr. Dove and Mr. Funk and myself and Mr. Frank Taylor.

4 Q About what time did you leave town? A Well, it must have been somewhere between seven and eight o'clock, as near as I recall it.

5 Q Where did you go to, Mr. Curry? A We went down the Kratzer Road, beyond Jim Roller's place there.

6 Q Did you meet any one on that trip? A Yes sir.

Q 1 Did you meet Mr. Cornish in Saint Louis? A Yes sir.

Q 2 Where did you go on Mr. Cornish's invitation on the occasion that you met Mr. Cornish, when he invited you to St. Louis?

A Yes sir.

Q 3 Did you meet Mr. Cornish's wife? A Yes sir.

Q 4 Where did you go with Mr. Cornish? A Mr. Cornish and I went to Mr. Cornish's home in St. Louis.

Q 5 Did you meet Mr. Cornish's wife? A Yes sir.

Q 6 Did you meet Mr. Cornish's wife at Mr. Cornish's home in St. Louis? A Yes sir.

Q 7 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 8 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 9 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

Q 10 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 11 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 12 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

Q 13 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 14 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 15 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

Q 16 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 17 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 18 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

Q 19 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 20 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 21 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

Q 22 Did you have any other meetings with Mr. Cornish? A Yes sir.

Q 23 Where did you meet Mr. Cornish? A Mr. Cornish and I met at the Jefferson Hotel.

Q 24 Did you meet Mr. Cornish's wife at the Jefferson Hotel? A Yes sir.

7 Q Who did you meet? A Met Estep's car.

8 Q Justis Estep's car? A Yes sir.

9 Q Did he stop when you met him, or what did he do?

A No sir; drove on past.

10 Q Who was driving you? A Powell.

11 Q Well, did you, or not, try to catch the car that Estep was driving? A Yes sir, we turned and tried to catch them.

12 Q Were you successful in doing that, or not? A Well, as far as we knew, they turned ~~out~~ at the laboratory and went in the Edom Road.

13 Q Coming back, were you going fast or slow? A Fast. The road was rather rough and rocky.

Mr. Dechert: About how fast did you come, -- what rate?

A Well, I would say we was making twenty miles, anyhow.

14 Q Did you see that car any more that night? A Yes sir. We stopped the car and searched it on the Mount Clinton Pike.

15 Q Who was in it then? A No one but Estep.

16 Q Do you know anything about the lights on the car driven by Estep? A They was off from the time he met us until he got within a couple of feet of our roadster, and then he flashed them on.

The Court: When you met him? A Yes sir. It seemed as though he came up the hill without any lights. We met him on the brow of the hill.

Mr. Morrison: What hill?

A The hill the other side of the Jim Roller place. It was right on the hill the other side of the Roller farm.

Mr. Morrison: And is that where you turned? A That is where we turned, and the road was narrow, and we had some difficulty in turning this car, a Dodge touring car. It taken us some little time to turn it.

17 Q When this car met you, was it going slow or fast, the Estep car? A Well, it seemed to be running ordinarily, along twelve or fifteen miles.

18 Q After you met this car, you turned around just as quickly as you could? Did the Estep car pick up its speed or slacken its car? A Well, I couldn't exactly say. It was dark. We was running at a pretty good gait, but it was still some distance ahead of us.

19 Q Had Estep turned his lights on going down the Edom Road, could you have seen them?

Objection by Mr. Dechert; overruled; point saved.

A Yes sir, I think we could have saw them very plainly.

20 Q Did you see any such lights? A Never saw any light, to my recollection, after they passed us.

21 Q Which seat were you on, rear or front, or where were you?

A I was on the front seat.

Cross-examination by Mr. Morrison:

1 XQ How far is it out to Mr. Jim Roller's farm, from the laboratory or pottery? A Well, I guess it is two miles or two and a quarter.

2 XQ I mean from the laboratory where you cross the Railroad out to the Roller farm, what is the distance? A Well, it is a mile and a quarter, anyhow.

3 XQ How close were you behind the Websters when they came into town? A I can't tell you. I seen no light after they passed us.

Mr. Dechert: How long did it take you to turn around? It took you a couple minutes, I suppose? A Yes sir.

Mr. Dechert: That would give them time to get a right considerable start? A When we got to the Edom Road, at the laboratory, there was a lady there, and we stopped and asked her.

Mr. Dechert: You can't tell what she said.

4 XQ Your car was driven at about twenty miles? A I would judge so.

5 XQ And the Roller farm was about a mile and a quarter from the pottery, and then it would have taken those people at the same speed to have made the trip to the pottery only about two and a half minutes, wouldn't it? And that is a hilly road? A Not coming this way. There is a little hill before you get to the Southern Railroad crossing.

6 XQ I thought you turned on the hill at the Roller farm?

A Yes sir.

7 XQ Then you came up another hill, didn't you? A I can't remember.

8 XQ And you travelled half a mile where you couldn't see across? Don't you remember that? A Yes, I believe I do.

9 XQ And the car would have been coming down an incline where you couldn't see whether it had or did not have a light?

The Court: Could you see the car? A No sir. There was no obstacle in front of us. We could hear the sound of the car.

The Court: Could you tell how far it was in front of you? A It was within reach of sound, I know that. We could hear the sound of the car very plainly.

The Court: Did the car have a tail-light on? A Not that I could see.

Mr. Dechert: Did I understand you to say that there was no tail-light on the Estep car as it came back toward town? A Not that I could see. There was no light visible at all that I could see.

Mr. Dechert: At no time after you met the car did you

see a tail-light, either on the Edom Road or on the Kratzer Road, as I understand it? A Not after they passed us.

Witness dismissed.

Mr. J.D.Suter, another witness, being duly sworn, was examined by Mr. Barman:

1 Q You are Mr. Suter? A Yes sir.

2 Q Where do you live? A Close to Greenmount.

3 Q Did you find this liquor here in this three gallon jug? (Liquor, jug & sack exhibited to jury)

A Yes, I seen it over there.

4 Q Where did you find it? Where did you see it?

A Seen it over against a stump.

5 Q In whose woods? A Cromer's.

6 Q You were working along the road at that time? A Yes sir.

7 Q What were you doing? A Putting in light poles.

8 Q About what time of day, was it? A I suppose about eight o'clock.

9 Q In the morning or evening? A Morning.

10 Q Do you remember the date it was found? A No, I don't.

11 Q It was five or six weeks ago, was it? A Yes sir.

12 Q Now, you say the liquor was found back of a stump?

A Yes, I seen it along the road as I came along, but I didn't get out to see what it was.

13 Q Who found it? A Some little boy, I think.

14 Q What was it in? A In a jug.

15 Q What was the jug in? A In a sack.

16 Q Did it look like this one? A Yes.

Mr. Dechert: In other words, it looked like a million other sacks?

17 Q How far was this stump from the road? A It wasn't very

far. It was right along the road.

18 Q About how many feet from the fence? A I expect it was about five, five feet, or six.

19 Q Wh at kind of fence? A Rail fence.

20 Q While you were working along the road that morning, do you know whether these two defendants, Ralph Webster and Dan Webster, came out along there? A I don't know. I saw two come out that way.

21 Q How long were they gone? A Not gone long.

Objection; overruled.

22 Q Do you know whether these two young men sitting back there are the two that you saw, the two young men on either side of Mr. Dechert? Are they, or not, the men that you saw down there?

A I don't know about that. I couldn't say.

23 Q How were they dressed? A Well, the one had a hat on, I think, and the other had a cap on.

24 Q About what time was it that this car came out there the next morning with these two men in it?

Mr. Objection by Mr. Dechert; overruled; point saved.

A I think it was about eight o'clock. We had just got there when the car came along.

25 Q Did the car stop, or not? A No, I didn't see the car stop. They wasn't gone long until they come back.

26 Q They just passed beyond the woods and turned around and came back.

Objection by Mr. Dechert; overruled; point saved.

Mr. Dechert: I think there is an intervening question I want to object to.

A Yes.

27 Q Wh at disposition was made of this jug? A I think a boy came down through the woods with it. He came up through the woods with it, and he came up there and said there was liquor in it. He

put it behind a tree and just let it set.

Mr. Dechert: It was there that you saw it?

A He moved it. I seen it before that. But the boy came up there and got it.

28 Q It was turned over later to Mr. John Dove, the deputy sheriff ? A Yes sir.

29 Q That same morning? A Yes sir.

Witness dismissed.

Mr. Charles Miller, another witness, being first duly sworn, was examined by Mr. Barman.

1 Q What are your initials? A C.H.

2 Q Charles H. Miller? A Yes sir.

3 Q What is your business? Well, I farm.

4 Q Where do you live? A I live west of Greenmount, one mile west of Greenmount.

5 Q Did you, or not, find this jug of liquor? A Some of the boys that were employed with me,-Mr. Beavers' boy was the first boy that noticed a sack sitting there. Some of the boys went up and looked, and this jug of liquor was in the sack.

6 Q When was that, do you remember? A I don't just remember the date.

7 Q What time of morning was it found? A I would suppose it was half after eight.

8 Q What were you doing? A Putting up those electric light poles.

9 Q What disposition was made of the liquor? What did you do with it? A Some of them ~~took~~ picked it up and taken it up I suppose a hundred feet or more and put it behind an oak tree. And I just decided the best thing for me to do was to notify Mr. Dove to come out and get it.

The Court: Did you do that? A That is what I did. I

called Mr. Dove up, and he came out and got the liquor.

10 Q This stump was about how far from the road? A Not very far. It was just over the fence. I didn't just notice the distance.

11 Q You know whether the Cromer woods are near the farm owned by the Websters in that section, or not? A I couldn't say. I think it is not very far from there. The Websters own the Feuchtenberger property, don't they, or used to be? It is not very far, I wouldn't think.

Mr. Dechert: Have you any idea of the distance?

A Well now, it is a part of the country that I am not very well acquainted with. I have heard of the Websters living on the Feuchtenberger property. I don't know the people, wouldn't know them if I seen them.

Mr. Dechert: The Feuchtenberger farm is near Linville?

A It is not so far from there.

Mr. Dechert: At least two or three miles from the Cromer woods to that farm, isn't it? A I don't think so. I wouldn't judge it would be over a mile.

12 Q Did you see any one down there in the car that morning?

Objection; overruled; point saved.

A I couldn't say that I did. There were several cars there. I don't know that I seen any cars stop there. There were several cars there, and we were at work there, busy, and didn't think anything about it. Even if they had stopped, we just didn't particularly notice.

13 Q This liquor was found in Rockingham County? A Yes sir.

Witness dismissed.

Mr. Walter Deputy, another witness, being first duly sworn, was examined by Mr. Barman.

1 Q You are Mr. W.H.Deputy? A Yes sir.

2 Q Mr. Deputy, do you know Ralph Webster? A Yes sir.

3 Q How long have you known him? A Ten or twelve years.

4 Q Were you in a restaurant here in the City of Harrisonburg some time ago,-and if so, when,- when you overheard a conversation of Ralph Webster with reference to violating the Prohibition Law?

Objection by Mr. Dechert; sustained.

5 Q I will ask you this, then, Mr. Deputy, do you, or not, live in Harrisonburg, now? A Live here part of the time.

6 Q And you run a farm down about Edom, I believe? A Yes.

7 Q You have lived in Harrisonburg almost continually, have you not, for the past how long? A Twenty years.

8 Q Do you, or not, know the general reputation of the defendants here, Ralph Webster and Dan Webster, for violating the Prohibition Law? I will ask you, first, as to Ralph Webster. Do you know his reputation for handling liquor here in Harrisonburg, and,if so, is that reputation good or bad?

Objection.

The Court: Ask the questions one at a time.

9 Q Well sir, what has been the general reputation of Ralph Webster?

The Court: You know his general reputation? A I have heard right smart, yes sir.

10 Q It is what people in the City generally say about a man.

A For handling liquor, you say? I would think it was bad.

11 Q What about Dan Webster? Is his reputation good or bad?

Objection by Mr. Dechert.

The Court: It would be prior to this occurrence on the Kratzer Road. Do you know what his reputation was prior to that occurrence? A I think it was bad, if you are asking about liquor; bootlegger.

12 Q And that general reputation applies to both of the Websters?
A Yes sir.
Witness dismissed.

Mr. John Dove, another witness, being first duly sworn, was examined by Mr. Earman.

1 Q You are Mr. John Dove? A Yes sir.

2 Q Deputy Sheriff for Rockingham County? A Yes sir.

3 Q Mr. Dove, where did you get this liquor here? A Mr. Charlie Miller, who was on the stand a few minutes ago, 'phoned up here and said --

4 Q Never mind what he said. Mr. Miller 'phoned to you, and you got it? What did you do with it? A I turned it over to my father, the same morning, just as soon as I come back.

5 Q About how much liquor was in the jug when it was turned over to you? A I would say about two gallons. You can't hardly tell by looking in the jug.

6 Q The same liquor is in it now? A Yes sir; the jug was in a sack.

7 Q And it was turned over to you by Mr. Charlie Miller?
A Yes sir. It was down behind a tree.
Witness dismissed.
Adjournment until afternoon.

Afternoon session same day, March 7, 1924.

Mr. John Dove re-called.

Mr. Earman: When was it that this liquor was turned over to you? A On the first of February. There was just a little sticker that I put on it.

Mr. Earman: You found it on February 1 of this year?
A Yes.
Witness dismissed.

Mr. Lewis Cromer, another witness, being first duly sworn, was examined by Mr. Berman.

1 Q This is Lewis Cromer? A Yes sir.

2 Q How old are you, Lewis? A Twenty-three; twenty-four.

3 Q Where do you live? A I live at 76 Rock Street, where my home is. I did live on Red Hill.

4 Q I believe you pled guilty to transporting liquor here in the City of Harrisonburg? A Yes sir.

5 Q And what punishment did you get? A Sixty days and $50.00 fine.

6 Q When was that punishment imposed upon you? A From the 28th of last month up to now.

7 Q You mean last month or the 28th of January? A January.

8 Q You are now, I believe, beyond Bridgewater on the road force? A Yes sir.

9 Q And were brought in to-day to testify in this case? A Yes sir.

10 Q Serving out your sixty days on the road? A Yes sir.

11 Q Lewis, do you know anything about any jugs owned by -- you know Ralph Webster and Dan Webster?

Objection by Mr. Dechert, and statement of ground of objection.

Mr. Dechert: I am his counsel and on his behalf I make the objection.

12 Q (After Mr. Dechert has conferred with the Court in the Judge's office): Just kill that question. You know Ralph Webster and Dan Webster? A Yes sir.

13 Q How long have you known them? A I have known Dan all of my life, ever since I was big enough to remember.

14 Q How long have you known Ralph? A About eight or ten years.

15 Q Do you know, before February 1 of this year, whether they owned any jugs? A Yes sir.

16 Q How many jugs did they own? A Owned one two-gallon jug and one three-gallon jug, and two five-gallon jugs.

17 Q Is there any special ear-mark about any of those jugs?

A I told the Sheriff what this one jug looked like before I ever seen it at all. I told him that they had a three gallon jug with the handle broke off and a mold-mark on it.

Mr. Dechert: I ask Your Honor to instruct the jury to disregard the ~~question~~ statement as to what he told the Sheriff.

Motion denied; point saved.

18 Q Just explain. Just look at that jug and state to the jury whether you ever saw it before. A I saw one with the handle broke off and a mold-mark on it exactly like this.

19 Q Show it to the jury.

Memo. Witness shows jug to the jury.

20 Q This raise here on the jug, about seven or eight inches long and half an inch or three-quarters of an inch wide is what you refer to, is it, as a mold-mark? A Yes sir.

21 Q And it hasn't any handle, you say? A No sir.

22 Q Now, Lewis, where did you ever see this jug? A I have seen it hid in the poor-house woods, also seen it hid on the farm, Mr. Webster's farm.

23 Q Where is his farm? A Out about -- you go right out by the pottery, out towards Edom there, and you turn off there at Cromer's woods, turn to the left, turn to the right going up.

24 Q Turn to the right below Cromer's woods? A Yes sir.

25 Q Has he got a farm in there? A I don't know, sir. I think he has.

26 Q You don't know whose farm it is? A It is Lester's and Dan's, I think. I am not sure. They had possession of it.

27 Q Where did you see it there? A Seen it in the fodder shock,

Objection by Mr. Dechert; overruled.

Memo. Mr. Dechert repeats what he understood the witness to say.

A Lester Webster and Dan hauled some ofdder away from it. I guess it is theirs.

28 Q What was in the jug? A Whiskey was in the jug, moonshine whiskey.

The Court: Who is Lester? A It is Daniel's brother.

29 Q Lester Webster, Daniel Webster, and Ralph Webster are all three brothers? A Yes sir.

30 Q Now, you say that you go to this farm by the way of the Edom Road? A Yes sir.

31 Q And you turn off to the right,right beyond Mr. Cromer's woods? A Yes sir, and go down a lane.

32 Q And this corn-field is where? A On the left-hand side of this path.

Mr. Dechert: The objection is understood by the Court to be ruhning to all of this line.

33 Q What did you say was in the jug? A Moonshine whiskey.

34 Q How often did you see the jug with moonshine whiskey in it? A Only once.

35 Q How did you happen to see it? A Went down there to bottle up some whiskey.

36 Q Who was with you? A Me and Dan. I don't remember who else was down.

37 Q How long ago was that? A While I was on bail. I don't remember just how long it was.

The Court: Was it a year ago? A It has been a few months ago, Judge.

38 Q Did he have any other liquor there? A Yes sir, had some half gallon cans hid in there, too.

39 Q How would he hide it in the fodder shop? A Put it in

sacks and stick them in the fodder shed.

40 Q Do the Websters own any other farm? A Yes sir; go out the pike and turn up by the tannery creek. They own a piece of ground out there.

41 Q You go out by Liskey's swimming pool? A Yes sir, you go out there and turn up a lane to the right going in.

42 Q What, if anything, did they keep out there on that farm? A Well, they kept all kinds of liquor out there.

The Court: Whose farm is that? A I think it belongs to Dan and Lester Webster. I think it belongs to all three of them. I think their father left it to them.

43 Q ~~Who~~ How did you happen to go up there? A Taking liquor up.

44 Q Whose liquor was it? A Dan Webster's.

45 Q Where did he get the liquor? A From mountain people.

46 Q Where did they keep the liquor? A In a straw stack, right in front of the sheep shed.

47 Q In what kind of containers? A Half gallon jars and jugs, too.

The Court: Which of the Websters did you ever see there? A Seen them both there.

The Court: What do you mean by both? A Ralph and Dan.

48 Q What else -- did they keep it anywhere else about the place there? A Yes sir; kept some in a hollow tree there about the creek. Had a hole in the tree. Half gallons or pints. It would be pints after it was bottled up.

49 Q Whose land was that tree on? A Couldn't tell you, sir.

50 Q How far from the sheep shed? A Two hundred yards.

51 Q Who put it there? A I did.

52 Q Where did you get it? A From Dan.

The Court: Why did you put it there? A Didn't want to bring it all to town.

53 Q What kind of agreement did you have with him? A Well, I give him a dollar and a half, and I took fifty cents.

54 Q How much did you sell a week? A It averaged five gallons. Some weeks I didn't sell that much, and some weeks I sold more.

Objection by Mr. Dechert:

Memo. by Mr. Dechert: Objection having been made to the admission of evidence tending to show the sales, and a motion to strike out the last answer of the witness having been submitted, the Court overruled the motion, being of the opinion that the evidence was admissible on the ~~allegation that the whiskey was offered for sale~~, and upon application of the attorney of the Commonwealth, allowed him to add ~~to it an~~ the charge of dispensing liquor to the bill of particulars.

Charge specified in the bill of particulars that defendants were guilty of selling liquor on their premises without license

Mr. Dechert (to the Court): And you also overrule my motion? The Court: Yes.

Memo. by Mr. Dechert: To the Court's action in each of the particulars, counsel for defendants excepted.

55 Q How much did you say you sold a week? A Averaged five gallons.

56 Q When did you pay Dan then? A Sometimes on Saturday.

57 Q How would you bring it down town? A Carry it in my pockets. Went in a car a few times. We all went and got it at night and would hide it up in these alleys.

The Court: What do you mean by all of you? A Me and Dan and Ralph.

58 Q Where would you hide it? A In these alleys, up and down.

59 Q Where would you usually dispose of most of it? In what part of Harrisonburg? A On Water Street.

The Court: How long was that going on? A I worked for them all summer. I just don't know exactly how long.

60 Q What summer? A Last summer. I worked for them all last summer up until I was caught.

61 Q Who went on your bond? A Daniel Webster.

Objection; overruled; point saved.

Mr. Dechert: I move to strike out the answer and save the point on that.

62 Q How would you pour this out? A Pour it into half gallon cans and then pour it out into the bottles. You can pour it that way without spilling it.

63 Q Did you keep a funnel out there at the sheep shed? A Had one out there a right smart while.

64 Q Where did you keep it? A Hanging up there in the sheep shed, right between the rafters.

65 Q Did Dan Webster, or not, ever bring any whiskey to your home? A Yes sir, we would pour it out, there.

66 Q When was that? A Well, it has been about two months ago. I was on bail then, too.

67 Q ~~William Graham:~~ Who was present then? A William Graham. My mother was in the house. My mother was in the room. I guess she knew there was liquor in there. I don't know whether she did, or not.

68 Q What was Dan doing with liquor in your home? A Pouring it in the bottles to bring down town to sell.

69 Q Where did you get it? A We had it hid in the vines on the other side of the C. & W. Railroad. I got the liquor myself and brought it up to the house, and we poured it in the bottles.

70 Q That was hidden in some vines along the Railroad? What Railroad? A The C. & W. Railroad, near Dick Williams' store.

Mr. Dechert: What did you say about Dick Williams' store?

A I said it was down there on the other side of Dick Williams' store, on the C. & W. Railroad.

71 Q Cromer, how did Daniel Webster happen to go on your bond?

Objection renewed; overruled; point saved.

A He went on my bond so that I could get out and make money enough to pay my fine. ~~Would be in trouble first, that's what he said.~~

72 Q Since you have been on the road, did he offer to ~~go on your bond?~~ pay your fine and costs if you would agree not to testify.

A Mr. Dechert came up there and told me that.

Mr. Dechert: No, I didn't. It is inadmissible, anyhow.

Objection; overruled; point saved.

Mr. Dechert: I ask that that answer of the witness be stricken out.

The Court: I will take it into consideration, Mr. Dechert.

Mr. Dechert: I will save the point now in the event Your Honor doesnot do so.

73 Q How often do you suppose you have seen that jug before this, Lewis? A I would say five times. I have handled it right smart.

74 Q Did they keep liquor anywhere else except in the sheep shed and the straw-stack and the woods out there? The poorhouse farm is about how far from that sheep shed? A I couldn't tell you, about a mile, I judge.

75 Q Did they keep liquor anywhere else except in the places you have spoken of? A We kept it back of the Estepp' house and out here by the stone spring, in the woods there, I don't know whose woods it is.

Objection by Mr. Dechert; overruled; point saved.

Mr. Deaderick: Bring Brady.

Deposition of Mr. Deaderick: Bring Brady.

Mr. Deaderick: I will give the Judge the exact time I
spoke to Brady.

Mr. Deaderick: I was first asked to testify in the criminal
court.

Mr. Deaderick: No, I didn't. It is an independent
matter.

Deposition: Bring Brady.

Mr. Deaderick: I was first asked to testify in the criminal
court.

Mr. Deaderick: Have you been over to see Brady since I
talked to you?

Mr. Deaderick: Have you been over to see Brady since I
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talked to you?

Mr. Deaderick: Have you been over to see Brady since I
talked to you?

76 Q You kept liquor back of what Esteps' house. A Justis Estep and Raymond Estep's.

77 Q Justis is the one who runs the jitney? A Yes sir. I never seen Estep with no liquor. It was back of their house there, where it was.

78 Q Where does Estep live? A Right in front of the Waterman woods, where the toll gate used to be, lives in a house up above there.

The Court: On the Rawley Road? A Yes sir.

79 Q You kept the liquor there in the woods? A Yes sir.

The Court: What Estep? A Raymond Estep and Justis Estep. I don't know what their mother's name is.

The Court: That is right beyond where the toll gate used to be on the Rawley Springs Turnpike? A Yes sir, on this road right here.

80 Q In what other woods? A At Stone Spring and way on down below there, I don't know what woods it is. I judge about a mile and a half, maybe two miles, from Stone Spring, maybe further.

Cross-examination by Mr. Dechert:

1 XQ Cromer, you say you were out on bail before your conviction?

A No sir. I don't know whether I was convicted.

2 XQ After you were arrested, you were out on bail? A Yes sir.

3 XQ You started to leave the State, didn't you? A Yes sir.

4 XQ You got out as far as Covington or Clifton Forge, didn't you? A Yes sir.

5 XQ And there you were arrested and brought back ~~and~~ to be put in jail until your trial? A Yes sir.

6 XQ And have been on the road force since you were convicted?

A Yes sir.

7 XQ You know that Don Webster had you brought back? A I don't know, sir, whether ~~I did~~ he did or not.

8 XQ You have been told so? A Yes sir.

Witness dismissed.

Mr. William Graham, after first being duly sworn, was examined by Mr. Zarman.

1 Q What is your name? A William Graham.

2 Q You live where? A Out here on Rock Street, in Harrisonburg.

3 Q Talk a little louder. A I live here in town.

4 Q You live at Lewis Cromer's mother's, don't you? A Yes sir.

5 Q Do you ever see Dan Webster there? A Yes sir.

6 Q When was the last time you saw him there? A It has been, I guess, about a couple months ago, maybe a little longer.

7 Q Who was there with him? A He and Lewis Cromer came there together.

8 Q What did they have? A Well, I suppose they had a little bit of liquor with them, as far as I know.

9 Q What did they have it in? A Half gallon jars.

10 Q How many jars did they have? A Three.

11 Q What did they do with it? A Poured it into pint bottles.

12 Q Who did that? A Lewis and Dan, both.

13 Q What did they do with the liquor after they poured it into the bottles? A Took it with them, as far as I know.

14 Q How did you know? A I was there in the house, and you know you can scent it.

15 Q What color was it? A White.

16 Q How did it correspond in looks and smell with what is in there? A This smells very much like it.

Mr. Dechert: Most of it is white, isn't it?

17 Q How long have you known Dan Webster? A About a year, I guess. Know him when I see him, that's about all.

18 Q Any doubt in your mind about him being up there a couple

Q XX Don mean been sorry for. A Yes sir.

Alfonso Giménez.

Mr. Alfonso Giménez, sworn first being duly sworn, was examined by Mr. Cohen:

Q 1 Where do you reside? A Ft. de San Lamira Cromet, a mountain, a' Don,s Pedro.

Q 2 Have a little farmer. A I was born in Cuba.

Q 3 Don,t you have Cuban citizenship? A Yes sir.

Q 4 Do you ever see Dr. Ernesto Lopez? A Yes sir.

Q 5 When was the last time you saw him? A It was been I know. Upon a cowboy Mexican who, maybe a little longer.

Q 6 Have you ever been in Miami? A Yes sir. I have been in Miami.

Q 7 Who was there with him? A He was Ramiro Cromet, Ernesto Lopez and Ernesto.

Q 8 Have you ever been in Miami before? A Yes sir.

Q 9 When was the last time you saw him in Miami? A It was been I know. Upon a cowboy Mexican who, maybe a little longer.

Q 10 Was Ernesto there with him? A Yes sir.

Q 11 Have you ever been in Miami? A Yes sir.

Q 12 Have you been in Miami and Tampa? A Yes sir.

Q 13 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 14 Don,t you know Ernesto Lopez? A Yes sir.

Q 15 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 16 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 17 Who was there with him? A He was Ramiro Cromet, Ernesto Lopez and Ernesto.

Q 18 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 19 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 20 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 21 Have you been in Miami and Tampa before April 17? A Yes sir.

Q 22 Have you been in Miami and Tampa before April 17? A Yes sir.

months ago for the liquor? Just strike that question out. Did you ever see him selling liquor,-Dan Webster,-selling liquor?

Objection by Mr. Dechert; overruled; point saved.

19 Q Have you seen him selling liquor since February 1, 1923?

A No sir.

20 Q I don't mean '24, I mean 1923.

A Well, I couldn't say for sure he sold it or what he done with it. I never seen him get any money for it.

21 Q What did you see him do with it?

Mr. Dechert: Objection is running to this line of questions.

A As far as I know, he had the liquor.

22 Q What was it in? A In pint bottles.

23 Q Where was it? A I seen him with it once on Water Street, around Mr. Matthews' stable.

24 Q What did he do with it? A I couldn't say what he done with it exactly, but I seen him one evening - I don't know whether he give it to him or sold it.

Objection by Mr. Dechert; overruled.

The Court: Where was that and when? A That has been some time back, I suppose, a month, about two months ago.

The Court: Where was it? A On Water Street.

The Court: Who was the person he gave it to or sold it to? A I saw the person but didn't know.

Cross-examination by Mr. Dechert:

1 XQ What did you say your name was, -- Grim or Graham? --

A Graham.

2 XQ When was it that you were in the penitentiary? A I don't know if I ever was, or not.

3 XQ You don't know whether you have ever been in the penitentiary, or not? A No sir.

4 XQ Do you know anything? A Yes sir.

5 XQ What is your difficulty about knowing that? A I don't think I have ever been there.

6 XQ Have you any doubt about ever being there? A If I ever was, I have.

7 XQ Never been in any penitentiary, any place? A No sir.

8 XQ What were you in prison for? A Never have been in any prison.

9 XQ Where have you been living? A In Harrisonburg for some time.

10 XQ Where did you come from? A Mineral, West Virginia.

11 XQ You haven't been in a penitentiary in West Virginia? A No sir.

12 XQ At least you don't think you ever were? A I never was there.

Mr. Bauserman: We object to all this line unless they produce evidence of his being in the penitentiary.

The Court: Nobody says he was in the penitentiary. The witness says he was never there. Do you want that stricken out?

Mr. Bauserman: No sir.

24 Q By Mr. Earman:

~~13-XQ-~~ You work every day for Sisler Bros.? A Yes sir, I run the service machine, cutting tomb-stones for them.

25 Q How long have you been working for them? A Between five and six months, about five months.

Witness dismissed.

Mr. E.C.Liskey, another witness, being first duly sworn, was examined by Mr. Earman.

1 Q Mr. Liskey, did either Dan Webster or Ralph Webster ever want to sell you any liquor? A Yes sir.

2 Q Which one was it? A Ralph.

3 Q You say Ralph Webster offered to sell you liquor? A Yes sir.

4 Q When was it? A I think it was Friday before Christmas.

5 Q Of last year, 1923? A Yes sir.

6 Q Where was he at the time? A It happened down on Water Street.

7 Q How much did he want to sell you? A He offered to sell me half a gallon.

8 Q Just state to the jury what he said and how --

Mr. Dechert: Of course this same line of evidence has been objected to before.

The Court: You want to except to this?

Mr. Dechert: Yes sir.

9 Q Just state to the jury how he happened to offer you this half gallon of liquor? A I just walked down Water Street. He was sitting in a car right side of the curb. I reckon I stopped probably and got to talking. He offered to sellme half a gallon at $10.00.

10 Q When did he say he would deliver it? A Said he would bring it around some time that night.

11 Q You didn't buy it? A No sir.

Cross-examination by Mr. Dechert:

1 XQ He had no liquor with him, so far as you saw? A No sir.

Mr. Dechert: I move that this evidence be stricken out.

Motion overruled: point saved.

Witness dismissed.

Mr. John Logan, another witness, being first duly sworn, was examined by Mr. Earman.

1 Q You are Mr. John Logan? A Yes sir.

2 Q How long have you been an officer for the City, Mr. Logan?

A Fourteen years next month.

3 Q Do you know the two defendants here, Ralph and Daniel Webster? A Yes sir.

4 Q How long have you known them? A For a long time. Well, I have known them before I went on the force.

5 Q They have been living here in Harrisonburg for how long? A For a right smart while, I guess.

6 Q Several years? A Oh yes, here, and close around here.

7 Q Do you know what the general reputation of Ralph Webster was from February 1, 1923, to February 1, 1924, as a bootlegger?

Objection to the question by Mr. Dechert. Objection overruled; point saved.

Mr. Dechert: I want this objection to apply to any other statement along this line.

8 Q As a bootlegger or for violating the Prohibition laws? A Bad.

Witness dismissed.

Mr. Cromer recalled.

Cross-examination continued, -- Mr. Morrison examining.--

9 XQ I have an unpleasant question or two to ask you, but I think I am compelled to do it in justice to the client. Were you once a member of the United Army? A Yes sir.

10XQ Do you have a discharge? A Yes sir.

11XQ What kind of discharge? A Dishonorable discharge.

12XQ For what reason? A Desertion.

13XQ Did you ever serve a term in the State prison? A Yes sir.

14XQ For what? A Stealing.

15XQ From whom? A I don't know; don't remember.

16XQ Did you serve more than one term? A No sir.

17XQ Weren't you sent to the penitentiary on two different oc-

Q Do you know the two gentlemen here, Dolph and Daniel
Tredwell? A Yes sir.

Q Were they known as very good citizens? A Yes, I think they were.
I have known them before I came to this county.

Q Do you know of any reason why Dolph Tredwell should
testify against Thomas Lafferty? A Because Lafferty
was a right smart white, I guess.

Q Has Lafferty been living here in Greenbrier for the past
several years? A Yes, sir.

Q Do you know of any reason why Daniel Tredwell should
testify against Lafferty? A Because Lafferty was a
mean man, I reckon.

Q Is it a matter of public report that Lafferty is a mean
man? A Yes, sir.

Q Do you know the two gentlemen here, Dolph and Daniel
Tredwell? A Yes sir.

Q Were they known as very good citizens? A Yes, I think they were.

Q Do you know of any reason why Dolph Tredwell should
testify against Lafferty? A Because Lafferty was a
mean man, I reckon.

Q Is it a matter of public report that Lafferty is a mean
man? A Yes, sir.

Q Have you been living here in Greenbrier for the past
several years? A Yes, sir.

Q Do you know of any reason why Daniel Tredwell should
testify against Lafferty? A Because Lafferty was a
mean man, I reckon.

Q Is it a matter of public report that Lafferty is a mean
man? A Yes, sir.

casions previous to this? A No sir.

18 XQ Well, you were sent up on one occasion? A Yes sir.

~~Witness dismissed.~~

Mr. F.L.Dovel, another witness, being first duly sworn, was examined by Mr. Harman.

1 Q You are F.L.Dovel, Chief of Police for the City of Harrisonburg? A Yes sir.

2 Q And have been policeman how long, Mr. Dovel? A This is my twentieth year.

3 Q Do you know the general reputation of Ralph Webster for handling liquor in the City of Harrisonburg? If so, is that reputation good or bad? A I have heard it discussed that they were handling it.

Objection by Mr. Dechert.

The Court: Do you know how he stands generally?

A Do you mean for handling liquor? It is not good.

4 Q Is that same thing true of Daniel Webster? A Yes sir.

Cross-examination by Mr. Morrison.

1 XQ Do you know Lewis Cromer? A Yes sir.

2 XQ What is his general reputation, if you know, in this community, for truth? A Bad.

Wtiness dismissed.

Mr. John Logan recalled.

10 Q By Mr. Harman: You testified that the general reputation of Ralph Webster was bad for handling liquor. How about Dan Webster? What is his general reputation? A Bad.

~~Witness dismissed.~~

nothing previous to that? A. No sir.

10 Q. Well, you were sent up on one occasion? A. Yes sir.

Witness excused.

Mr. F.L.Dowd, another witness, being first duly sworn, was examined by Mr. Brown.

1 Q. You are F.L.Dowd, Chief of Police for the City of Harrisonburg? A. Yes sir.

2 Q. And have been policeman how long, Mr. Dowd? A. This is my twenty-sixth year.

3 Q. Do you know the general reputation of Ralph Webster for handling liquor in the City of Harrisonburg? If so, is that reputation good or bad? A. I have heard it discussed that they were handling it.

Objection by Mr. Webster.

Q. Do you mean for handling liquor? It is not good.

4 Q. Is that same thing true of Daniel Webster? A. Yes sir.

Cross-examination by Mr. Morrison.

1 Q. Do you know Lewis Grooms? A. Yes sir.

2 Q. What is his general reputation, if you know, in this community, for truth? A. Bad.

Witness dismissed.

Mr. John Logan recalled.

10 Q. By Mr. Morrison: You testified that the general reputation of Ralph Webster was bad for handling liquor. How about Dan Webster? What is his general reputation? A. Bad.

Witness dismissed.

Mr. Daniel Shifflett, another witness, being first duly sworn, was examined by Mr. Earman.

1 Q You are Mr. Daniel W. Shifflett? A Yes sir.

2 Q You are janitor for the Board of Supervisors in the Court House here? A Yes sir.

3 Q And also special officer for the City of Harrisonburg?

A Yes sir.

4 Q Do you know the defendants here? A Yes sir.

5 Q Do you know the general reputation of Ralph Webster for handling liquor here in the City of Harrisonburg? A Bad.

6 Q How about Dan? A Same thing.

Witness dismissed.

Mr. A.P.Curry recalled.

Direct examination resumed by Mr. Earman.

22 Q You testified this morning? A Yes sir.

23 Q You are a policeman for the City of Harrisonburg? A Yes sir.

24 Q Do you know the general reputation of Ralph Webster for handling liquor here in Harrisonburg, and, if so, is it good or bad?

A It has been boosted a good deal.

25 Q What do you mean by boosted? A I mean it has been circulated, rumored a good deal.

26 Q Would you say it was good or bad? A Bad.

27 Q How about Daniel Webster? A Same.

Mr. Dechert: Was it since his arrest that you have heard this rumor? A No sir.

Witness dismissed.

Mr. E.G.Snyder, another witness, being first duly sworn, was examined by Mr. Earman.

1 Q What are your initials? A E.G.

2 Q You live here in Harrisonburg? A Yes sir.

3 Q What is your age? A Thirty-seven.

4 Q You are a cigar maker? A No sir; I worked at the produce house. I haven't done any work for two years.

5 Q I believe you lost your limbs some time ago? A Yes sir.

6 Q Have you loafed a good deal on Water Street? A Yes sir.

7 Q At what place? A Matthews' and Harry Stover's, along there.

8 Q Well, during the past year, or from February 1, 1923, up until February 1, 1924, during that period of one year, did you, or not, ever see Ralph Webster and Dan Webster, or either of them, sell liquor? A Well, I have seen them handling it along there, I don't know whether they were selling it, or not.

9 Q Explain what you mean. A I have seen them with it along there.

10 Q Would hand it out to people? A Not on the street. They would go into places.

11 Q Where would they go? A Into Dean's Hall there, and up the alley.

12 Q Is that in Dean's restaurant? A The entrance that goes back to the kitchen.

13 Q The entrance goes from the street back to the kitchen?

A Yes sir.

14 Q Which one of them would do that? A Well, I have seen Dan and Ralph, both.

15 Q About how often do you suppose you have seen them hand it out to people during the past year? About how often during a week or a day? A Well, I never paid much attention to that.

16 Q How often would you say on an average? A Well, a couple times a week, I reckon,-two or three times.

17 Q What kind of containers would this liquor be in? A They would have it in bottles, pint bottles?

18 Q What color would the stuff be? A Would be white-looking.

19 Q How did it resemble this fluid here, or beverage, in this glass? A Yes, it looked sort of like that.

20 Q Now, when this liquor would be handed out, did you see any money pass? A Not as often as I have seen the liquor.

21 Q You have seen people hand money back to the Websters at the time the liquor was given to them? A Yes sir.

22 Q Would that be in the day-time or night-time, or both?

A Well, in the day or night, either one.

23 Q That is, you mean that you saw them hand out liquor both in the day-time and night-time? A Yes sir.

Witness dismissed.

Mr. Walter Deputy recalled. Direct examination resumed by Mr. Zarman.

13 Q Mr. Deputy, during the past year have you, or not, heard Ralph Webster say that he sold so much liquor on Court Day?

A Yes sir.

Objection by Mr.Dechert; overruled; point saved.

14 Q Just state to the jury what you did hear him say? A In a restaurant there on the corner where Mr. Baker used to be, Mr. Ralph Webster was setting there at the side of the stove, and he said he had sold eighty-five pints of liquor on November Court Day, on Water Street. It was just after Court Day.

15 Q You say that was a day or two after November Court? A Just a short while after.

~~Witness dismissed.~~

~~Memo. No evidence to be taken for the defence, Mr. Dechert, of counsel for defendants, announced.~~

.....

And this being all of the evidence introduced or offered by the Commonwealth, and the defendants offering no evidence, and the case having been argued by counsel, the jury retired to consider of its verdict, and after some time returned into court and rendered the following verdict, to-wit:

"We the jury find the accused Daniel Webster and Ralph Webster guilty as charged in this indictment and ascertain their punishment at five months confinement in jail and a fine of $500.00 each.

S.G.Will, Foreman"

And thereupon, the defendants, by counsel, moved the Court to set aside the said verdict as contrary to the law and the evidence, and to grant them a new trial, which motion the Court overruled and entered the following judgment, to-wit:

"Whereupon it is considered by the Court that the Commonwealth recover against Daniel Webster and Ralph Webster $500.00 each, the fine ascertained by the jury, and the costs incident to this prosecution and that the said Daneil Webster and Ralph Webster be held to hard labor on the State Convict Road Force of this State for the term of five months, the term ascertained by the jury in their verdict, and thereafter until their said fines and costs be paid, the additional term, however, for non payment of fine and costs, not to exceed six months for either of said defendants, and in accordance with the Statute in such cases made and provided the Court required of each defendant bond in the penalty of $5000.00 conditioned that he shall not violate any of the provisions of the Statutes of Virginia concerning ardent spirits, commonly known as the Prohibition Law, for the period of one year, and if said bonds shall not be executed before the expiration of the terms of imprisonment aforesaid then said

Daniel Webster and Ralph Webster shall each be confined in jail until said bond is given, or until they are discharged by the Court, provided that neither of said defendants shall be confined in jail, for failure to give said bond, for a longer period than six months, and thereupon on the motion of the said defendants execution of their sentences is suspended until the first day of the next term of the Court in order that they may apply to the Supreme Court of Appeals for a writ of error to the judgment of this Court and on motion of the said Daniel Webster he is admitted to bail in the penalty of $1500.00 for his appearance on the first day of the next term and thereupon the said Daniel Webster and Lester Webster, his surety, who justified to his sufficiency, were duly recognized in the sum of $1500.00 for the personal appearance of the said Daniel Webster before this Court on the first day of the next term to do and receive as the Court may then and there direct and not to depart thence without leave of Court and the said Ralph Webster was remanded to jail."

To which action of the Court in so overruling said motion and refusing to grant them a new trial, and in so entering said judgment, the defendants, by counsel, excepted, and pray that this, their certificate of Exceptions No. 1, may be signed, sealed, enrolled and made a part of the record, which is accordingly done this 15th day of April, 1924, and within 60 days from the date of said judgment.

J. N. Haas, Judge. (SEAL).

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Ernest Lirley

to appear forthwith *before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the* 7th *day of* March *19* 24

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

Hamil Webster & Ralph Webster

who stands charged with and indicted for a felony *misdemeanor.*

And this he *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 7 *day of* Mar *, 1924, and in the* 148 *th year of the Commonwealth.*

J. F. Blackburn *, Clerk.*

News-Record, Harrisonburg, Va.

Executed by delivering a true copy of this summons to Ernest Liskey this the 7th day of march 1924.

C W Dowe
S.R.C.

Sheriff fee. 50

Can
50
mileage

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

"Cheery" Snyder

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10 o'clock, a. m.~~ forthwith, *on the* 7 *day of* March 1924 *to testify and the truth to say in behalf of the Commonwealth against*

Daniel & Ralph Webster

who stands charged with and indicted for a ~~*felony*~~ *misdemeanor.*

And this he *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 7 *day of* March, 1924, *and in the* 148*th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Com.

vs.

Daniel Webster

et al

Sheriff fee .50

March 7, 1924.

Executed March 7, 1924 by delivering a copy of this summons to Cheery Snyder in person.

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

By Jas. Dove, Deputy

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Lewis Cramer, W. N. Deputy, Charley Miller, F. L. Dovel, John Logan, Frank Taylor, — Suter, Justice Estep, A. P. Cundy, Jennie Wilson, Wm. Sims, Roy Armstrong, A. C. Frisley, Early Huffman, Sadie V. Huffman

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 4th *day of* March *19*24 *to testify and the truth to say in behalf of the Commonwealth against*

Daniel Webster et al

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 4 *day of* March, *19*24, *and in the* 148th *year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Comm.

vs.

Daniel Webster

&c

Sheriff fee $7.50

March 7, 1924

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Lewis Cromer
Walter Deputy

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 18 *day of* Feb. 1924 *to testify and the truth to say in behalf of the Commonwealth before the Grand Jury*

Daniel Webster

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 12 *day of* Feb. *, 192*4 *and in the 148th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Comm.

vs

Daniel Webster

Sheriff fee 1.00

Grand Jury

Feb. 18, 1924

Louis Comer W.R. Defendants

Executed Feb. 14, 1924 by delivering a copy of this summons to Walter Defendants in person.

Executed Feb. 16, 1924 on Louis Comer by delivering a copy of this summons to Mary Comer, a member of his family.

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

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Frank Long

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a. m., on the 7th *day of* March *19*24 *to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth, Plaintiff, against*

Ralph & Daniel Webster *Defendant*

And this fail *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 6 *day of* March, *19*24 *and in the* 148*th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Ralph W. Updyke
Commonwealth's Attorney

Sheriff's fee. 50

Executed by delivering a copy of the within to Pronk Pong in person this the 6th day March 1924
E. L. Dotson S.R.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Thomas Dinkman

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 7th *day of* May *- 1924*

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

Daniel Wesley & Ralph Webster

who stands charged with and indicted for a felony misdemeanor.

And this he *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 6 *day of* May *, 1924, and in the 148 th year of the Commonwealth.*

J. F. Blackburn *, Clerk.*

News-Record, Harrisonburg, Va.

Executed by delivering a copy of
the within to Thomas Pinchum
this the 6th day of March, 1924
C.W.S. Jr. S.R.C.

Thomas Pinchum
Com.
V. L.
Dow & Ralph
Webster.

Sheriff fee .50

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETINGS:

We command you, that you take Ralph Webster 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 19th day of February, in the 148 year of the Commonwealth.

J. F. Blackburn Clerk.

COMMONWEALTH

vs.

Ralph Webster

Sheriff fee $1.50

Executed by delivering the body of Ralph Webster to the Warden of the Mass State Prison this 8th day of March 1924

C. E. Dwyer Sheriff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETINGS:

We command you, that you take Daniel Webster 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 19th day of February, in the 148 year of the Commonwealth.

J. F. Blackburn Clerk.

Executed by delivering the Body of Daniel Webster to the Bail Commissioner & Recognizance Bail this the 2nd day of March 1924

E. V. Dove S. R. C.

COMMONWEALTH

vs.

Daniel Webster

Returns - Command

Sheriff fee $1.50

C. M.

Ralph Webster, who at a former day of the Court was convicted of a misdemanor and sentenced to a term in the County jail, the execution of which sentence was suspended until the first day of the next term to enable him to apply to the Supreme Court of Appeals for a writ of error to the judgment of this Court, this day came into Court in the Custody of the officer, and on his application to be admitted to bail, he the said Webster together with ——, who justifies as to his sufficiency, entered into and acknowledged a bond in the penalty

of $ 1500 &c &c and the said
Corbett was admitted to bail

February Term 1924

DANIEL WEBSTER

RALPH WEBSTER

sds Upon an Indictment for a Misdemeanor

COMMONWEALTH

Set for March 7/24

Daniel Webster
Ralph Webster
1500.00

Sheriff Cost.

Impaneling Jury	1
2 Arrests	3
Grand Jury summons	1.
Summons	10.
	$15.
W. T. Reynolds Rlw	20.

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[illegible]

E. G. Will

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