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 October term, 1927, upon their oaths do present that Frank Dove, who was heretofore on the 16th day of June, 1924, convicted of violating the Prohibition laws of the Commonwealth of Virginia, in the Circuit Court of Rockingham County, Virginia, and who then and there was sentenced to serve a period of three months in jail and to pay a fine of fifty dollars, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully and feloniously have in his possession a copper worm, connecting pipes, and flake stand, without having the same registered as required by law, against the peace and dignity of the Commonwealth of Virginia.

And the grand jurors aforesaid upon their oaths aforesaid do further present that Frank Dove, who was heretofore on the 16th day of June, 1924, convicted of violating the Prohibition laws of the Commonwealth of Virginia, in the Circuit Court of Rockingham County, Virginia, and who then and there was sentenced to serve a period of three months in jail and to pay a fine of fifty dollars, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully and feloniously have in his possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of J. L. Dirting, W. E. Thurber, D. H. Dofflemyer, and W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence.

2nd offense

Poss. part of still

Commonwealth

v) Indictment

Frank Dove

Felony

October term, 1927

A True Bill:

J. C. Cooper
Foreman

Plea N.G.

D. W. Earman
Commonwealth's Attorney

We the jury find the defendant, Frank Dove, not guilty —

Theodore Moore, Foreman

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 W. T. Pennode, Va. State "Ins." of the said Co. (City or County)

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

of the said Co. (City or County) that he verily believes, that in the said Co. (City or County) and State:

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

by one Frank Dove (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 ..... (Here describe place as in (a) above)

(c) Ardent Spirits are being unlawfully kept, held, stored, concealed, used, sold, and unlawfully transported in certain baggage or a certain vehicle, to-wit: a certain ..... (Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not)

by one ..... (Here give name, or describe as in (a) above)

And there being reasonable cause for such belief:

THESE ARE, THEREFORE, IN THE NAME OF THE COMMONWEALTH OF VIRGINIA, to command you, with all necessary and proper speed and assistance, to search the house, place, baggage, boat, or vehicle herein designated, either in day or night, and seize such ardent spirits and their containers and other things apparently possessed or used in violation of law, and bring the same and the person or persons, in whose possession they are found, and also any person resisting, impeding, obstructing, or in any manner hindering or delaying you in the execution of this warrant, before me, or some other officer having jurisdiction of the case, to be disposed of and dealt with according to law; and make return of this warrant showing all acts and things done thereunder, with a particular statement and sufficient description of the things seized and the name of the person in whose possession found, if any, and if not found in the possession of any one, so state in your return, and post a true copy of this warrant and the return thereof, as required by law.

Given under my hand and seal this 28 day of July 1927.

M L Lauham (SEAL)

Justice of the Peace

(Title of Magistrate)

DIRECTIONS

1.—If only Ardent Spirits and containers be seized, the Magistrate shall fix a time not less than 10 nor more than 30 days from the date of return, for the hearing of said return. If no claimant appear, the Ardent Spirits and articles are to be forfeited to Commonwealth. Any person claiming any of same must file a **written claim** stating particularly the character and extent of his interest therein, whereupon the Magistrate shall certify the warrant, **written claim** and articles claimed, to the Circuit or Corporation Court, as the case may be, for determination, and declare the unclaimed articles forfeited.

2.—If still, still cap, worm, tubs, heather, fermenters, or any appliance connected with a still and used, or mash or other substance capable of being used, in the manufacture of Ardent Spirits, be seized, the mash (after taking a sample) shall be destroyed, and the facts and articles seized reported to the Prohibition Director and Commonwealth's Attorney. (A copy of this warrant and proper return will be sufficient notice and report). Ardent Spirits and containers disposed of as in No. 1 above.

3.—If Ardent Spirits are being transported in an uatomobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be deliered to the Sergeant of the City, the facts reported to the Prohibition Director and Commonwealth's Attorney and Ardent Spirits and containers disposed of as provided in No. 1 above (A copy of this warrant and proper return will be sufficient report).

4.—A copy of this warrant and the return thereon must be posted at the front door of the house, or on the door of the room, or on the premises at the place the Ardent Spirits may be found.

See Sections 21½, 22, 23, 23½, 57 and 57½, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia
vs.

.....

.....

Executed the within warrant this 29th day of July 1927, by searching the within stated Premises
Here state house, room, place
and by seizing the following described Ardent Spirits and other things therein found (and raresting the above named person found in possession thereof) and by posting a true copy of this warrant and the return hereon on the .....
Here say place, house, room, boat,
.....
auto or baggage, or as the case may be
.....
as front door of house, door of room or premises

Description of Ardent Spirits and other things seized 1 copper worm,
1 quart liquor,
25 gallons cider,
1-25 " fermenter,
1 flakestand,

Given under my hand this 29th day of July 1927
H. T. Reynolds
Title
State Inspector.

The following named officers and persons assisted me in the execution of this warrant:
J. L. Willing,
W. H. Dollenmyer,
H. E. Tilmber,

Other than above stated the following are witnesses:

.....

.....

.....

This matter set for hearing on the .....day of .....192.....

No claim of ownership or interest in any of the said things seized having been filed herein in compliance with the law, the same are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this.....day of .....192.....

.....
Title of Magistrate

Written claim of ownership or interest having been filed to certain of the said things herein seized, this warrant, the said claim and the things in the claim particularly described, are hereby certified to the .....Court of this.....for determination and the said things unclaimed are hereby adjudged and declared confiscated and forfeited to the Commonwealth.

Given under my hand this.....day of .....192.....

.....
Title of Magistrate

NOTE—Unless warrant issued for Ardent Spirits being transported in vehicle, boat or baggage, it is to be returned to the jurisdiction from which issued. If issued for Ardent Spirits so transported, it can be executed in any part of the State, and returned to any justice in any county or city through which they were carried.

Commonwealth of Virginia,
Rockingham County, to-wit;

Be it remembered, that on the 3d. day of September, 1927, Frank Dove and Samuel Dove.

came before me, Harry M. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said Frank Dove in the sum of One Thousand dollars and the said Samuel Dove in the sum of One Thousand dollars, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said Frank Dove shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Frank Dove do and shall personally appear before ~~the Circuit Court~~ J. C. Cooper, J.P. or some other justice, of the said County on the first day of ~~the next term thereof~~ October, 1927, at Sheriffs office at Harrisonburg, Va. 10 a.m., then and there to answer the Commonwealth for and concerning a certain Misdemeanor by him committed wherewith he stands chraged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or judge hereafter having or holding any proceedings in connection with the said charge, and not depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 3d day of September, 1927,
Frank Dove and Samuel Dove,

came before me, Harry E. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said Frank Dove in the sum of Five Thousand dollars and the said Samuel Dove in the sum of Five Thousand dollars, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their homestead Exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said Frank Dove shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Frank Dove do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, October 1927, at Harrisonburg, Va., then and there to answer the Commonwealth for and concerning a certain Misdemeanor by him committed wherewith he stands charged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or Judge Hereafter having or holding any proceedings in connection with the said charge, and depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry E. Strickler
Bail Commissioner.

Frank Dove
Bail

Commonwealth of Virginia,
Rockingham County, to-wit;

Be it remembered, that on the 3d, day of Septemb., 1927, Frank Dove and Samuel Dove came before me, Harry M. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said Frank Dove in the sum of Two Thousand dollars and the said Samuel Dove in the sum of Two Thousand dollars, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said Frank Dove shall make default in the performance of the condition underwritten.

The condition of the above recognizance is such that if the above bound Frank Dove do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, then and there to answer the Commonwealth for and concerning a certain Felony by him committed wherewith he stands chraged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or judge hereafter having or holding any proceedings in connection with the said charge, and but depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 3d day of September, 1927,

Frank Dove and Samuel Dove

came before me, Harry M. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said Frank Dove in the sum of Two Thousand dollars and the said Samuel Dove in the sum of Two Thousand dollars, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their homestead exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said Frank Dove shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Frank Dove do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, then and there to answer the Commonwealth for and concerning a certain felony by him committed wherewith he stands charged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or Judge hereafter having or holding any proceedings in connection with the said charge, and depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

Frank Dove
Bail

Commonwealth of Virginia,
Rockingham County, to-wit;

Be it remembered, that on the 29th day of July, 1927, D. F. Dove and Samuel Dove came before me, Harry M. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say; the said D. F. Dove in the sum of One Thousand dollars, good and lawful money of the United States, and the said Samuel Dove in the sum of One Thousand dollars, of like good and lawful money of the United States, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said D. F. Dove shall make default in the performance of the condition underwritten.

The condition of the above recognizance is such that if the above bound D. F. Dove do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, at the Court House thereof, then and there to answer the Commonwealth for and concerning a certain felony by him committed wherewith he stands charged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or Judge hereafter having or holding any proceedings in connection with the said charge, and not depart thence without leave of Court, and be bound under this recognizance until said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

S. H. Dove
Bail

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 17th day of July, 1927, S. H. Dove and Samuel Dove came before me, Harry M. Strickler, Bail Commissioner, of the said County of Rockingham, and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia, in manner and form following, that is to say: the said S. H. Dove in the sum of Five Thousand dollars, good and lawful money of the United States, and the said Samuel Dove in the sum of Five Thousand dollars, of like good and lawful money of the United States, to be respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, to the use of the Commonwealth of Virginia, if the said S. H. Dove shall make default in the performance of the condition hereunderwritten.

The condition of the above recognizance is such that if the above bound S. H. Dove do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, at the Court House thereof, then and there to answer the Commonwealth for and concerning a certain felony by him committed wherewith he stands charged, or to any time or times to which the proceedings may be continued or further heard, and before any Court or Judge hereafter hearing or holding any proceedings in connection with the said charge, and not depart thence without leave of Court, and be bound under this recognizance shall said charge is finally disposed of or until it is declared void by order of a competent Court, then this recognizance shall be null and void, otherwise shall remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

COMMONWEALTH

V) Charge to the Jury

FRANK DOVE

If you find the accused, Frank Dove, not guilty, you will say so and no more.

If you find him guilty as charged in the indictment, then you will say so and fix his punishment by confinement in jail for not less than three nor more than twelve months and a fine not exceeding five hundred dollars.

COMMONWEALTH

v)

FRANK DOAE

charge of the jury

It you find the accused, FRANK DOAE, not guilty,

you will say so and no more.

It you find him guilty as charged in the indictment,

then you will say so and fix his punishment by confinement

in jail for not less than three nor more than twelve months

and a fine not exceeding five hundred dollars.

INSTRUCTION No _____

The Court instructs the jury that before they can convict the accused in this case under the first count in the indictment the Commonwealth must show beyond all reasonable doubt (a) that the flake-stand introduced in evidence belonged to the defendant and was used by him as a part of a still, within one year prior to the date alleged in the indictment, in connection with the manufacture of ardent spirits, or (b) that the worm introduced in evidence belonged to the defendant and was used by him as a part of a still in the manufacture of ardent spirits; and unless the Commonwealth has proven one or both of these articles to have belonged to the defendant and to have been so used by him, in the manufacture of ardent spirits, then they must find him not guilty.

ON NOTTINGHAM

The Court instructs the jury that before they can convict the defendant in this case under the first count in the indictment the government must satisfy the jury (a) that the alleged statements made by the defendant were not based upon evidence personally in his possession at the time he made them, within one year prior to the date of the indictment, in connection with the maintenance of a fund i n the indictment; (b) to show that the defendant had a fund of a little a bit of a little a bit in the maintenance of the defendant spirits; or (c) that the defendant had evidence personally of the existence of a little a bit of a fund which had been made by him or made by him in the maintenance of spirits, which he had reason to believe was false or misleading in the sense that it was not truthful.

The Court instructs the jury that before they can convict the defendant in this case under the first count in the indictment the government must satisfy the jury (a) that the alleged statements made by the defendant were not based upon evidence personally in his possession at the time he made them, within one year prior to the date of the indictment; in connection with the maintenance of a fund i n the indictment; (b) to show that the defendant had a fund of a little a bit of a little a bit in the maintenance of spirits; or (c) that the defendant had evidence personally of the existence of a little a bit of a fund which had been made by him or made by him in the maintenance of spirits, which he had reason to believe was false or misleading in the sense that it was not truthful upon very.

INSTRUCTION NO. ____

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on the Commonwealth the burden of proving his guilt beyond reasonable doubt. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon .....

J. L. Dirting, W. E. Thurber, D. H. Dofflemyer and W. T. Rexrode

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 17th *day of* October *19* 27 *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY*

vs. Frank Dove

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 11th *day of* Oct. *19* 27*, and in the* 152d *th year of the Commonwealth.*

....., *Clerk*

P&L PRESS, Harrisonburg, Va.

Commonwealth

vs.

Frank Dove

Sheriff fee 2.00

Oct. 17/27

Executed Oct. 21, 1927 by delivering a true Copy of the within Summons to the within named witness

In person.

C. 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 J. L. Dirting, W. E. Thurber, D. H. Dofflemyer, W. T. Repsode, Paul Smith, Geo. Trumbo, W. A. Dove, and Wm. H. Yonkey

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 3d *day of* Nov. *19*27, *to testify and the truth to say in* ***behalf of the Commonwealth*** *against* Frank Dove

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 26 *day of* Oct., *19*27, *and in the* 145th *year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Com.

vs.

Frank Dove

Sheriff fee $4.00

Executed. This 2 day of Nov 1927 by delivering a true copy of the within Summon to Paul Smith Wm. H. Yankey W. A Dove in person. And leaving Geo Trumbo Summon with Mrs Dare Stultz where he boards.

B.O. Cooper D.S.
for C.W. Dove S.R.C.

Nov. 3
1927

T. B. Davis
~~Ruth Stephen~~
W. Edg Kile
~~S. R. Harrison~~
~~R. R. Kugel~~
F. L. Zinkle
Chas. D. Hoover
~~Ray H. Marvin~~
Clarence F. Whitmer
C. B. Kuser
E. C. Rhodes
Minnie Driver
~~Jesse H. Myers~~
W. H. Linemeier
~~W. R. Yantes~~
~~R. A. Weaver~~
Clarence L. Henkel
Chas. W. Ellman
~~J. H. Linemeier~~
C. C. Huppman

In the Circuit Court of Rockingham County,

.....*Term 190*.....,

.....*this day presented in Court an account against the Court of Rockingham for the sum of $*.....*, for Service*.....

.....

.....

which being sworn to, was examined and approved by the Court, and ordered to be certified to the Treasurer of this county for payment.

.....*Clerk.*

Form 192—Berlin.

T. B. Harris
W Edgar Stite
F. L. Geisler
Chas. D. Horner
Claude F. Whitmer
C. B. Kiser
E. C. Rhodes
Minnie Driver
W. H. Smiemeier
Clarence L. Henkel
Chas. W. Altman
C. C. Huffman
#

~~Sheriff fees~~
Summons 6.00
Swt. Jury ~~$~~ 1.50
7.50

#432.

COMMONWEALTH

VS. Felony (Pro.)

FRANK DOVE

Plea N.G.

Verdict
Not guilty

Bushnell

QUALITY WORKMANSHIP

20-4446