

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 June term, 1926, upon their oaths do present that Eugene McCoy and Ted ^{dit Eugene} McCoy, 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 Eugene McCoy and Ted ^{dit Eugene} McCoy, 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.

The jurors aforesaid, upon their oaths aforesaid do further present that Eugene McCoy and Ted ^{dit Eugene} McCoy, 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 W. T. Rexrode, W. H. Fletcher, and D. H. Dofflemyer, witnesses sworn in Court and sent before the grand jury to give evidence.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, co-wit:

In the Circuit Court of said County:

Commonwealth
v) Indictment
Eugene McCoy & Ted McCoy

Noe Pro

Misdemeanor
June term, 1926.

*Plia y Guilty
2/15*

A True Bill:

L. Hedrick

For man

D. W. Earman
Commonwealth's Attorney

B₂

Court and sent before the Grand Jury to give evidence.
Haxroge, W. H. Fletcher, and D. H. Dollenmyer, witnesses sworn in
This indictment is found on the testimony of W. T.

Right of the Commonwealth of Virginia.

ingham, did unlawfully receive and sell spirits, against the peace and
order of the County of Rockingham, in the said County of Rock-
ingham, present that Eugene McCoy and Ted McCoy, within one Year next
The Jurors aforesaid, upon their oaths aforesaid do
within the peace and dignity of the Commonwealth of Virginia.

ingham, did unlawfully have in their possession and sell spirits, a-
prior to the finding of this indictment, in the said County of Rock-

Further present that Eugene McCoy and Ted McCoy, within one Year next
The Jurors aforesaid, upon their oaths aforesaid do

and dignity of the Commonwealth of Virginia.
advertisements and passive orders, against the peace
store and for sale, in the County of Rockingham, within
County of Rockingham, did unlawfully receive and sell spirits,
one year next prior to the finding of this indictment in the said
upon their oaths aforesaid, upon their oaths aforesaid, within
of the County of Rockingham and now belonging said Court at its June term, 1926,
THE GRAND JURORS IN AND FOR THE COUNTY OF SAID COUNTY

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

BE IT REMEMBERED that on the 29 day of April 1926

J. E. McLooy & Bette L. Heuston
came before me J. H. Bruce

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 J. E. McLooy and Bette L. Heuston in the sum of Five Hundred Dollars

good and lawful money of the United States, and the said ~~in the sum of~~ Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said J. E. McLooy shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound J. E. McLooy do and shall personally appear before the Circuit Court of Rockingham on the 15th day of the June Term next thereof, being the 21st day of June 1926, at the Court-house thereof, and then and there answer the Commonwealth of Virginia concerning a certain mis whereof the said J. E. McLooy stands charged, and shall not depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.
J. H. Bruce

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

_____ day of _____ 1925
_____ came before me

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 _____ in the sum of _____ Dollars

_____ good and lawful money of the United States, and the said _____ in the sum of _____ Dollars of like good and lawful money, to be

respectively made and levied of their several goods and chattels, lands and tenements, and they severally waived the benefit of their Homestead Exemption as to this obligation, and also waived any claim or right to discharge any liability to the Commonwealth arising under this recognizance with coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said _____ shall make default in the performance of the

conditions underwritten.

The condition of the above recognizance is such that if the above bound _____ do and shall personally appear before the Circuit Court of Rockingham on the _____ day of _____ 1925, at the Court-house thereof, and then and there answer the Commonwealth of Virginia concerning a certain _____ where _____ stands charged, and shall not depart thence without the leave of said Court, then the above recognizance shall be void and of no effect, otherwise to remain in full force and virtue.

_____ Taken and acknowledged before me, the day and year first above written.

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

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

WHEREAS W. J. Barrett State Insp. of the said.....
City or County

has this day made complaint and information on oath before me, W. L. Hinshaw
Name of Magistrate Title

of the said..... that he verily believes, that in the saidand State:
City or County City or County

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

by one Eugene Inc Coy. & Fed. Incroy
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 April 1926.

W. L. Hinshaw (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 automobile, boat, wagon, buggy, or other vehicle, the Ardent Spirits and containers shall be preserved and the vehicle shall be delivered to the Sergeant of the City, the facts reported to the Prohibition Director and Commonwealth's Attorney and Ardent Spirits and containers disposed of as provided in No. 1 above (A copy of this warrant and proper return will be sufficient report).

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

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

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Eugene & Ted McLoay

Executed the within warrant this 29 day of April 1926, 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 arresting 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

3 gallons of Apple Brandy & 1 barrel

Arresting T. E. McLoay and delivering his body before E. H. Bisher, J. P.

Given under my hand this 29 day of

April 1926 E. T. Rexroad State Inspector

The following named officers and persons assisted me in the execution of this warrant:

D. H. Dollenberger E. H. Bisher

Other than above stated the following are witnesses:

This matter set for hearing on the day of 1926

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 1926

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 1926

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.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

D. H. Dafflemeyer, M. H. Fletcher &
W. J. Rysade

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 32 day of July 19 26 to testify and the truth to say in behalf of the Commonwealth against.....

J. Eugene McCaskey

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 24 day of June, 19 26, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

Carroll

In the Name of the Commonwealth of Virginia

To the Sheriff of Rockingham County, Virginia

Teddy E. McCay

Executed ~~JUN 26~~ ¹⁹²⁵ ~~17~~ ¹⁹²⁵

by delivering a true Copy of the

within Summons to *the within named witnesses*

_____ in person.

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

Sheriff fee \$1.50

July 3, 1925

F. BLACKBURN, Clerk of the Court House, the

Clerk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

W. J. Ryvade
W. H. Fletcher & D. H. Dofflemeyer

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 *21st* day of *June*, 19*26*,

to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

Eugene McCay & Ted McCay

who stands charged with and indicted for a felony misdemeanor.

And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the

14 day of *June*, 19*26*, and in the *15*th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed JUN 17 1925 by delivering a true Copy of the

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

Com.

In the name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

Engene McCay
W. Ted McCay

Sherriff fee \$1.50

June 21, 1925

Clerk.

Sheriff Costs

Premium 9 arrest 11.50

Summons $\frac{3.00}{\$14.50}$

Check	5.33
Prery	.75
Writ	.25
Order -	.30
	<hr/>
	7.03

320

COMMONWEALTH

vs. Misdemeanor (Pro.)

Eugene McCoy &
Ted McCoy

3



20-4446