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, 1925, upon their oaths do present that James L. Ray, who was heretofore on the 4th day of January, 1923, 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 pay a fine of three hundred dollars and to serve for a period of two months in jail, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully and feloniously manufacture, sell, offer, keep, store and expose for sale, give away, dispense, transport, 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 James L. Ray, who was heretofore on the 4th day of January, 1923, 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 pay a fine of three hundred dollars and to serve for a period of two months in jail, 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.

And the jurors aforesaid upon their oaths aforesaid do further present that James L. Ray, who was heretofore on the 4th day of January, 1923, 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 pay a fine of three hundred dollars and to serve for a period of two

months in jail, did, within one year next prior to the finding of this indictment, in the said county of Rockingham, unlawfully and feloniously receive ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid do further present that James L. Ray, who was heretofore on the 4th day of January, 1925, 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 pay a fine of three hundred dollars and to serve for a period of two months in jail, 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 still, still cap, worm, tub, fermenter, and other appliances connected with and used in the operation of a still, withouthaving the same registered as required by law, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. T. Rexrode, ~~J. T. Lam~~, and D. H. Dofflemyer, witnesses sworn in court and sent before the grand jury to give evidence.

We the jury find the accused, James L. Ray, guilty as charged in the indictment and fix his punishment at six months in jail and a fine of $5.00

G. R. Black, foreman

Commonwealth

v) Indictment

James L. Ray

Felony

October term, 1925

A True Bill:

[illegible]

Foreman

D. W. Earman
Commonwealth's Attorney

COMMONWEALTH

v.

JAMES L. RAY

If you find the accused, James L. Ray, 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 the penitentiary for a period of not less than one nor more than five years, or, in your discretion by confinement in jail for a period of not less than six months nor more than twelve months, and by a fine not exceeding five hundred dollars.

Commonwealth

v.

James L. Ray

Charge to the Jury.

INSTRUCTION NO. 1.

The Court instructs the jury that in all criminal cases the defendant's plea of not guilty raises a presumption of innocence in his favor, which it is the duty of the Commonwealth, before it can ask for a conviction, to overcome by evidence which establishes the guilt of the accused beyond every reasonable doubt, therefore if the jury after hearing the whole case entertain any reasonable doubt as to the guilt of the accused, it is their duty to find him not guilty; and the Court further tells the jury that a reasonable doubt is that state of the case which after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

INSTRUCTION NO. 1.

In order that the defendant's plea of not guilty raises certainly cases the defendant's plea of not guilty raises a presumption of innocence in his favor, which it is the duty of the commonwealth, before it can ask for a conviction, to overcome by evidence which establishes the guilt of the accused beyond every reasonable doubt. Therefore if the jury entertain upon the whole case entertain any reasonable doubt as to the guilt of the accused, it is their duty to find him not guilty: and the court instructs the jury that a reasonable doubt is that state of the case which after consideration and comparison of all the evidence, leaves the minds of the jurors in a state of uncertainty as to the truth of the charge against the defendant.

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

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

WHEREAS O. W. K. Revode State Prohibition of the said ~~City or~~ County

has this day made complaint and information on oath before me, F. J. Magenbright J.P.
Name of Magistrate Title

of the said County that he verily believes, that in the said County and 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 Out buildings
Here describe the place, house, room or boat, as the case may be

by one James Ray
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 James Ray
Give name; if name unknown say "Whose name is to the informant unknown."

in a certain Dwelling house and Out buildings
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 17th day of August 192.8

F. J. Magenbright (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. James Ray

Executed the within warrant this 17 day of August 192 S., 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
finding 1 – 5 gallon Stills
cap & worm,

Given under my hand this 17 day of August 192 S.
H. T. Reynolds,
State Inspector.
Title

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

.....

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.

Arrest Warrant

COMMONWEALTH OF VIRGINIA, ROCKINGHAM COUNTY, } TO WIT:

To The Sheriff or _____, a Constable of said County:

Whereas, John Dove of the said County, has this day made complaint and information on oath before me, O. H. J. Argenbright a Justice of the said County, that James Ray of the said County, on the 17th day of August 1925, in the said County, did unlawfully have one Still and Cap and Worm in his possession. in Violation of the Prohibition laws of this Commonwealth.

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said James Ray.

to answer the said complaint and to be further dealt with according to law. And you are required to summon M. L. Rexrode

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 22nd day of August, in the year 1925.

O. H. J. Argenbright J. P. (Seal)

No. 38

NEWS-RECORD CO., HARRISONBURG, VA.

Rockingham County, State of Virginia:
Case tried and finished this the 22nd day of August 1920
for the reason that the grand jury, being properly sworn
and was recorded in the Sum of One Thousand Dollars for
the appearance of the accused James Ray before the
Circuit Court of the said County to answer the
charge under my hand this the 22nd day of August 1920.
F. J. Argenbright J.P.

Commonwealth

vs. } **Arrest Warrant**

James Ray

Executed the within warrant by arresting and delivering the body of

James Ray

before F. J. Argenbright

a Justice of Rockingham County, and by summoning the within named witnesses in person,

this 22 *day of* Aug. 1920

John Dove, Deputy
~~Constable of Rockingham County~~
for C. W. Dove, S.R.C.

Justice $3.00

26.25
12.50
38.75

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon W. T. Rexrode, D. H.,
Doffleyer, & John Dale

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* November *19* 25,
to testify and the truth to say in ***behalf of the Commonwealth*** *against*
James L. Ray

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 30 *day of* Oct., *19* 25, *and in the* 150 *th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Executed Nov. 3, 1925 by delivering a true Copy of the within Summons to The within named witnesses each in person.

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

Com.

vs.

James L. Ray

Sheriff fee $1.50

Rec. Nov. 4, 1925

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

D. W. Doffleymyer
John Dove
W. T. Bennode

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 19 *day of* Oct *19*25*, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury*

James L. Ray

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* Oct. *, 19*25*, and in the* 152 *th year of the Commonwealth.*

J. F. Blackburn, *Clerk.*

News-Record, Harrisonburg, Va.

Comm.

vs.

Jas. L. Ray

Grand Jury

Sheriff fee $1.50

Oct. 19, 1925.

Executed OCT 17 1925 by delivering a true Copy of the within Summons to within named witnesses each ____ in person.

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

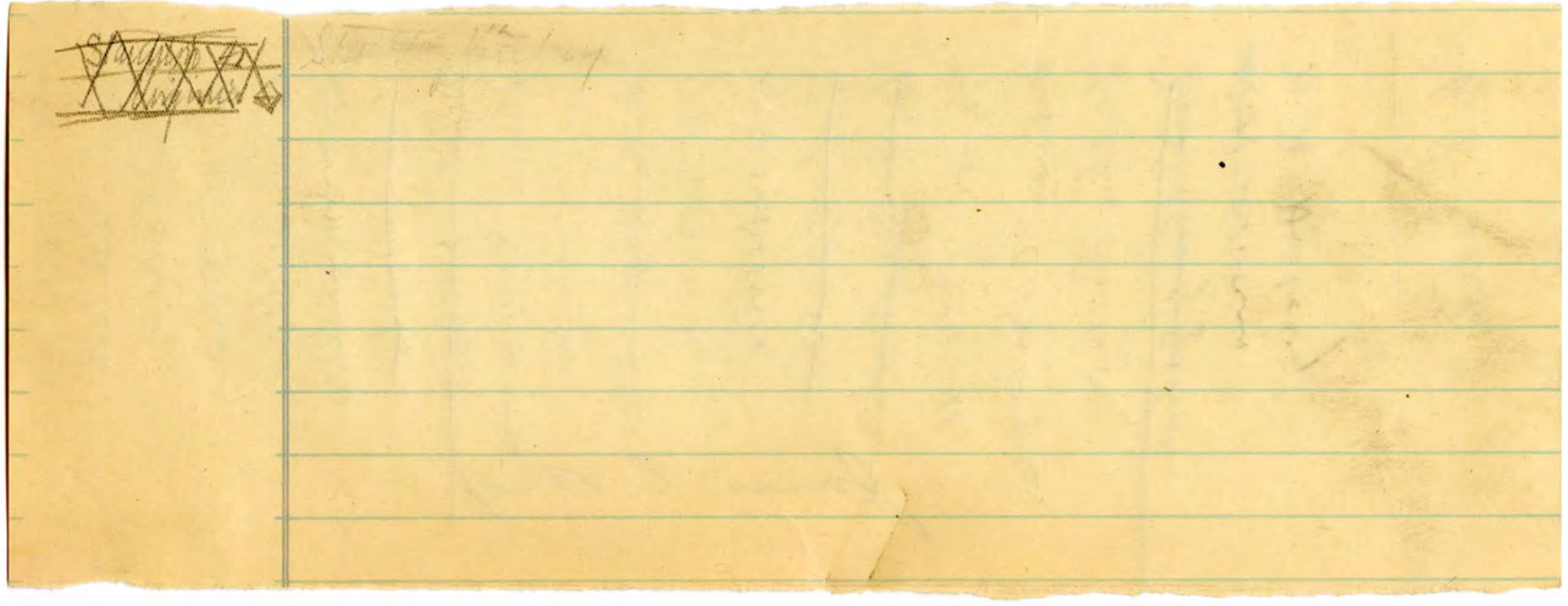
We, the jury find the accused, James L. Ray, guilty as charged in the indictment and fix his punishment at Six months confinement in the County jail and pay a fine of Fifty Dollars

G. R. Black, Foreman

A. P. Palmer
J. T. Acker
Joseph Lane
W. W. Sellers
~~W. C. Smoulter~~
~~C. L. Grind~~
~~Milton Hollerman~~
Joseph Linemeier
Roy Leppman
~~C. H. Layman~~
J. H. Miller
W. H. Whitmer
~~F. B. Yeater~~
~~C. E. Yeater~~
Geo R. Black
Emmer C. Swope
Luther Roller
~~E. S. Rengifel~~
~~W. R. Hoover~~
W. A. Halvey

James L. Ray

C. S. Estep



A.P. Palmer ✓
+ J.T. Acker ✓
Joe Lane ✓
W W Sellers ✓
Jos Linemover ✓
× Roy Hoffman ✓
× J.B. Miller ✓
Will Whitmer ✓
× Geo R. Black ✓ ✓
Emmer C. Swope ✓
Luther Roller ✓
H.A. Nulow ✓

Sheriff Cost.

Still Capture	50.00
Search warrant	1.00
Imp. Jury	1.50
Summons	3.00
	55.50

238 (Pro.)

James Ray
Nov-4
ads Felony

Commonwealth

Def. 24 wit
2 days

6.00
2.00
8.00

Bushnell

QUALITY WORKMANSHIP

20-4446