

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of the said County of Rockingham and now attending said court at its December term, 1931, upon their oaths do present that E. C. Freeze, who was heretofore convicted of violating the Prohibition laws of the Commonwealth of Virginia on May 17, 1930, in the Justice's court of said County, before J. C. Staples, Justice of the Peace, and who then and there was sentenced to pay a fine of five dollars and serve for a period of three months in jail, did, within one year next prior to the finding of this indictment, on or about November 7, 1931, in said County, unlawfully ~~and feloniously~~ have in his possession about eight pints of ardent spirits (moonshine liquor), against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. T. Rexrode and J. L. Dirting, witnesses sworn in court and sent before the grand jury to give evidence.

Harrisonburg

Commonwealth of Virginia—City, County,

to-wit:

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

WHEREAS *W. T. Ruxroad* of the said City County has this day made complaint and information on oath before me, *R. B. Sawyer* JP of the said City County that he verily believes, that in the said City County and State:

(a) That Ardent Spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used and concealed in a certain *Dwelling House & Porch on E. Joyce St* by one *David Freeze*

(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 *David Freeze* in a certain *Dwelling House & Porch on E. Joyce St*

(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 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 *7* day of *Apr* 19*31*
R. B. Sawyer (SEAL)
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, heater, 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 a 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 a 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 21 I-2, 22, 23, 23 I-2, 57 and 57 I-2 Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Dave Freeze

Executed the within warrant this 7th day of Nov 1921, 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 case may be)

as front door of house, door of room or premises)

Description of Ardent Spirits and other things seized

8 pints of Lignum

Arresting Dave Freeze and E. C. Freeze

Given under my hand this 7th day of Nov 1921

H. J. Rexrode, State Prob Inspector

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

J. L. Wisting, H. E. Shurber, W. B. Heron

Other than above stated the following are witnesses:

John Logan

This matter set for hearing on the day of 1921

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 1921

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 1921

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.....

W. T. Rexrode

J. L. Dinting

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 8 day of Jan 19³²,
to testify and the truth to say in behalf of the Commonwealth against E. C. Freeze

who stands charged with and indicted for a ~~felony~~ misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 7th
day of Jan 19³², and in the 15th year of the Commonwealth.

J. Robt-Switzer, Clerk

Executed Jan, 7-1932, By delivering a true copy
of the within summon to W.T. Rexroad and
J.L. Dirting, each in person.

S.P. Newman

Deputy for
C.R. Fawley, S.R.C.

The Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Executive:

Comm.
E. C. Fawley

the Clerk of the Court of Rockingham County, in the Court House thereof,
to the Clerk of the Court of the Commonwealth against
E. C. Fawley

ROBERT SWITZER, Clerk of the Court House, the
1932
Jan 8
Clerk

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

W. T. Rexrode + J. L. Denting

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 *5th* day of *January* 19 *32*,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY.....

v *E. C. Freeze*

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *30th*
day of *December* 19 *31*, and in the 15 *6th* year of the Commonwealth.

J. Robert Switzer, Clerk

Executed Jan. I-1932, By delivering a true copy of the within summon to J.L. Dirting. and W.T. Rexroad each in preson.

L.D. Newman Deputy for
C.R. Fawley, S.R.C.

Com.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greenleaf:

E.C. Freese

W.T. Rexroad & J.L. Dirting

the Judge of the Circuit Court of Rockingham County at the Court House thereof,

GRAND JURY

1932

Jan. 5

ROBERT SWITZER, Clerk of said Court at the Court House, the

Clerk

#961

DEC 1931

Sheriff Cont
 arrest \$10.00
 Summ Witness 2.00
 Com fee .50
 \$12.50

In Jan 2007-1931

COMMONWEALTH

V.) Misdr. (Pro.) 2nd off.

E. C. FREEZE

Jan 8-1932
 60 days + \$50.00
 Road Fare - Credit
 since Nov 7-

