

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County:

The grand jurors in and for the body of said county of Rockingham and now attending said Court at its December term, 1929, upon their oaths do present that Frank Fitzwater, within one year next prior to the finding of this indictment, in said county of Rockingham, did unlawfully manufacture and have in his possession ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Jesse Moyers and B. O. Cooper, witnesses sworn in Court and sent before the grand jury to give evidence. *C. R. Lawley*

Mfg and poss.

Commonwealth

v) Indictment

Frank Fitzwater - *found*

Jan. 18th

Misdemeanor

December term, 1929

A True Bill:

J. B. Martin
Foreman

D. W. Earman
Commonwealth's Attorney

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY:
COUNTY OF ROCKINGHAM, to-wit:
COMMONWEALTH OF VIRGINIA.

Grand Jury to give evidence. *C. O. Cooper*
and H. O. Cooper, witnesses sworn in Court and sent before the

This indictment is found on the testimony of Jesse Rogers

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 Jesse W. Moyers D.S. of the said City County
has this day made complaint and information on oath before me, J. C. Cooper, Justice of the Peace
Name of Magistrate Title
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 and out houses
Here describe the place, house, room or boat, as the case may be

by one Frank Fitzwater
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 pos-
session of, and unlawfully used by one Frank Fitzwater
Give name, if name unknown, say "Whose name is to the informant unknown"

in a certain dwelling and out houses
Here describe place as in (a) above

(c) Ardent Spirits are being unlawfully kept, held, stored, concealed, used, sold, and unlawfully transported in cer-
tain 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 desig-
nated, either in day or night, and seize such ardent spirits and their containers and other things apparently pos-
sessed 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 Dec. 1928

J. C. Cooper (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, 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 Commissioner 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 Commissioner 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 1-2, 22, 23, 23 1-2, 57 and 57 1-2, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Frank Fitzwater

Executed the within warrant this 28 day of December, 1929, by searching the within stated house dwelling

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 dwelling house

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 5 Gallon Keg

7 fruit jars & 1 pint bottle all full of
Ardent Spirits

Given under my hand this _____ day of

192

B. O. Cooper Deputy Sheriff

Title

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

B. O. Cooper D.S.

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 are carried.

Commonwealth of Virginia--City, County of

to-wit:

WHEREAS Jesse W. Moyers D.S. of the said County
Here insert name of affiant or affiants City or County

has this day made complaint and information on oath before me, J.C. Cooper
Name of Magistrate Title

of the said County that he verily believes for reasons hereinafter stated in the said County and State
City or County City or County

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

by one Frank Fifwater
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 Frank Fifwater
Give name; if name unknown say "Whose name is to the informant unknown."

in a certain Dwelling house or 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 auto
Here describe vehicle, auto, wagon, carriage, buggy, boat, baggage or what not

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

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

quite recently, autos being parked, and by suspicious persons going to and from said premises

This is to certify that I have this day issued a search warrant to search the said Dwelling house and out buildings
Here say place, house, room, boat

for the said ardent spirits, mash &c.
auto or baggage, or as the case may be Here state what is to be searched for as, "Ardent Spirits," still, still cap, mash or what not.

Given under my hand this 28 day of Dec. 1929

J.C. Cooper J.P.
Title of Magistrate

AFFIDAVIT FOR A WARRANT TO SEARCH
FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Frank Fitzgerald

Filed in the Clerk's Office of the

Court of the of Va.
County or City Name

Court of the

Virginia, this day of 192.....

Clerk

By D. C.

Commonwealth of Virginia—City of

10-11

State of Virginia,
County of Rockingham,

To-wit:

To the Sheriff or any Police Officer or Constable of the said County:

WHEREAS, Jesse W. Moyers, D.S. of the said County,
has this day made complaint and information on oath before me, J. C. Cooper, a Justice
of the Peace of the said County, that Frank Fitzwater in the said County,
did on the 28 day of December, 1929:
unlawfully manufacture, distill, sell, transport and possess ardent spirits
against the peace and dignity of the Commonwealth of Virginia.

THESE ARE, THEREFORE, To command you, in the name of the Commonwealth, to apprehend
and bring before me, or some other Justice of the said County, the body of the said

Frank Fitzwater to answer the said complaint and to be further
dealt with according to law. And you are also directed to summon Jesse W. Moyers, D.S.
and B. O. Cooper, D.S.

_____, as witnesses.

Given under my hand and seal, this 28 day of Dec., 1929.

J. C. Cooper, J. P. [SEAL]

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

I, J. C. Cooper, a Justice of the Peace in and for the County of Rockingham, Virginia, do hereby certify that Frank Fitzwater and Rhoda Fitzwater as his surety, have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of one thousand Dollars (\$1000.), to be made and levied of their goods and chattels, upon this condition: That the said Frank Fitzwater shall appear before the undersigned or the Circuit Court of Rockingham County, on the 2 day of January, 1930, and not leave hence without leave of the said Court, to answer the charge in this warrant, or to await the action of the Grand Jury of the said County upon the within charge.

Given under my hand this, the 28 day of December, 1929,
J. C. Cooper, J. P.

COSTS

Justice,	\$
Fine,	\$
Clerk,	\$
Arrest,	\$
Witness Attendance,	\$
Summoning Witnesses,	\$
Commonwealth,	\$
Total,	\$

COMMONWEALTH

WARRANT OF ARREST.

vs.

Frank Fitzwater

Executed this, the 28 day

of December, 1929,

J. C. Cooper As,
Constable.

Upon the examination of the within charge, I find the accused

The accused Frank Fitzwater personally appeared before me this day and waived a preliminary hearing, and was therefore held for the action of the Grand Jury. Given under my hand this 28 day of December 1929.

J. C. Cooper, J. P.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Jesse Mayers,
B. O. Cooper, Dr. H. G. Pickett,
Sam R. Dravelly

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 *Jan.* 19*30*, to testify and the truth to say in BEHALF OF THE COMMONWEALTH against

Frank Sitzewater

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. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *10th* day of *Jan.* 19*30*, and in the 15*4th* year of the Commonwealth.

J. Robert Switzer, Clerk

Com.

W.

Frank Fitzgwater

Sheriff Fee
\$1.50

1930

Jan. 17

Executed this 16 day of Jan. 1930
By delivering a true copy of the
within to Jesse M. M. M. M. M.
B. O. Cooper — per

B. O. Cooper D.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Ransom Snyder, Mrs*
Ransom Snyder and Sherm Swales

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 *January* 193*0*,
to testify and the truth to say in BEHALF OF THE COMMONWEALTH against

Frank Fitzwater

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. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *13th*
day of *Jan.* 193*0*, and in the 15 *4* year of the Commonwealth.

J. Robert Switzer
by K.B., Clerk

Executed Jan 14, 1930
by delivering a true copy
of this summons in person
or to a member of their family
over 16 yrs of age personally
for C. B. Family S.P.C.

com -

rs { wit sp re

Frank Fitzwater

40
2

Jan 17 1930

Sheff H. Cost -

Simon Winters 9- 4.50
arrest 11.50
mileage 5.28
warrant 1.00
Bail 1.00
Jury 1.50
\$ 24.78

wit -

18.70

2-
6
8 wit

5.50
2.00
1.20

DEC 1929

#669

COMMONWEALTH

VS.) Misd. (Pro.)

FRANK FITZWATER

17

Plea of guilty to an
indictment or return



28 4761