

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors of the Commonwealth of Virginia,ⁱⁿ and for the body of said County of Rockingham, and now attending said court at its December term, 1931, upon their oaths do present that Mattie Minor, Herbert Smallwood and Halsie Smallwood, within one year next prior to the finding of this indictment, in said County, did unlawfully have in their possession ardent spirits (moonshine liquor), against the peace and dignity of the Commonwealth of Virginia.

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

POSS. A. S. ✓

COMMONWEALTH

V

MATTIE MINOR - *hand-connected*
HERBERT SMALLWOOD - *capital issued*
HALSIE SMALLWOOD - *fair*

PRO. MISD.

A True Bill

R. E. Pugh,

Foreman

set Jan-15-

Mattie Minor

Jan-7-1932

60 days \$50.00

D. W. Earman, Com. Atty.

COMMONWEALTH OF VIRGINIA
COUNTY OF ROCKINGHAM, ss-w/v:
In the Circuit Court of said County:

Hamroby

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. Ruxton* of the said City *County*

has this day made complaint and information on oath before me, *R.S. Luyet* 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 & Premises East Gay St* (Here describe the place, house, room or boat, as the case may be)

by one *Mattie Mene* (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 *Mattie Mene* (Give name; if name unknown, say, "Whose name is to the informant unknown")

in a certain *Dwelling house & Premises East Gay St* (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 *7* day of *Apr* 192*1*

R.S. Luyet (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. *Mattie Miner*

Executed the within warrant this *7th* day of *Nov* 19*31*, 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

3 1/2 gallons of liquor

Given under my hand this *7th* day of *Nov* 19*31*

H. J. Rexrode
State Prob Inspector

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

H. B. Herok
John W. Logan

Other than above stated the following are witnesses:

This matter set for hearing on the _____ day of _____ 192*3*

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*3*

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*3*

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 6th day of January, 1932,
Halsie Smallwood, principal and David Lucas
surety, who justified to his sufficiency, came before me, Sheffey L. Devier.
Bail Commissioner, of the said County of Rockingham,
(J. P. or Bail Commissioner)
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
FIVE HUNDRED Dollars, (\$ 500.00),
to be levied of their respective goods and chattels, lands and tenements, for the use of the Common-
wealth of Virginia rendered, and they each severally waved their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said Halsie Smallwood shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the 7th day of the
January, 1932 at 9:30 o'clock A.M.
~~Term thereof, being the~~ day of January,
~~1932~~, and at such other 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 then and there answer the Commonwealth of Virginia concerning a certain
misdemeanor whereof the said Halsie Smallwood stands
charged, and be bound under said recognizance until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 6th day of January
1932.



(BAIL COMMISSIONER)

Commonwealth of Virginia
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 7th day of January, 1932,
before me, Sheriff J. Deviser, principal and David Lucas
of the said County of Rockingham.

Abbie Smallwood
\$ 500.00
To January 7th 1932
9:30 A.M.
Circuit Court

That if the said Abbie Smallwood
the Circuit Court of Rockingham County, at the Courthouse of said County, on
January, 1932 at 9:30 o'clock A.M.
and at such other time or times to which the proceedings may
be held, and before any court or judge hereafter having or holding any process
the said charge, and then and there answer the Commonwealth of Virginia
charged, and be bound under said recognizance until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognizance shall be null and void: other-
wise to remain in full force and effect.

In Witness Whereof, I hereunto affix my signature this 7th day of January, 1932.

SHERIFF (J. Deviser)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 7th day of Jan, 1937,
Herbert Smallwood, principal and David Lucas
surety, who justified to his sufficiency, came before me, Shepley L. Deane,
Bail Commissioner (J. P. or Bail Commissioner), of the said County of Rockingham,
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
Five Hundred Dollars, (\$500⁰⁰),
to be levied of their respective goods and chattels, lands and tenements, for the use of the Common-
wealth of Virginia rendered, and they each severally waved their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said Herbert Smallwood shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the 15 day of the
Jan-1937 Term thereof, being the _____ day of _____,
19, and at such other 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 then and there answer the Commonwealth of Virginia concerning a certain
misdemeanor whereof the said Herbert Smallwood stands
charged, and be bound under said recognizance until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 7 day of
Jan, 1937.
Shepley L. Deane
(J. P. or BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 7th day of Jan 1937
Herbert Inglewood, principal and
[Signature] came before me,
[Signature] of the said County of Rockingham,
and acknowledged themselves to be indebted to the Commonwealth of Virginia in the sum of
[Signature] Dollars, (\$200.00)

Herbert Inglewood
500.00
To Jan 16th
1937
Circuit Court

to be levied of their respective goods and chattels, lands and tenements, for the use of the
wealth of Virginia rendered, and they each severally waved their homestead exemption to their re-
spondance; yet upon this condition:
That if the said [Signature]
the Circuit Court of Rockingham County, at the Courthouse of said County, on the [Signature] day of
[Signature] and at such other time or times to which the proceedings in the County of Rockingham shall be
heard, and before any court or judge thereafter having or holding any proceeding in which the said
the said charge, and then and there answer the Commonwealth of Virginia concerning a certain
whereof the said [Signature]

declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.
In Witness Whereof, I hereunto set my signature this 7th day of Jan 1937
[Signature]
[Signature]
[Signature] (Clerk of the Circuit Court)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 18 day of November 1931,
Matthie Minor, principal and A. E. Falls
surety, who justified to his sufficiency, came before me, Shelley L. Decker
Bail Commissioner
(J. P. or Bail Commissioner), of the said County of Rockingham,
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
Two Hundred Fifty Dollars, (\$ 250⁰⁰),
to be levied of their respective goods and chattels, lands and tenements, for the use of the Common-
wealth of Virginia rendered, and they each severally waived their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said Matthie Minor shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the 1st day of the
Dec-1931 Term thereof, being the 21st day of December,
1931, and at such other 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 then and there answer the Commonwealth of Virginia concerning a certain
~~Matthie Minor~~ ^{indebitance} Matthie Minor whereof the said Matthie Minor stands
charged, and be bound under said recognizance until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 18 day of November, 1931.

Shelley L. Decker
(J. P. or BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 18 day of November 31
Mettie Minor principal and
Stephen Johnson surety, who justified to his excellency, came before me,
Paul Commissioner of the said County of Rockingham,

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
\$250.00
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of

for the use of the Commonwealth of Virginia, for the use of the Commonwealth of Virginia, for the use of the Commonwealth of Virginia,
and they each severally waived their homestead exemption to their re-
spective goods and chattels, lands and tenements, for the use of the Common-
wealth of Virginia, and upon the condition:

That the said debt shall personally appear before
the Court of Rockingham County, at the Court house of said County, on the 1st day of the
Term thereof, being the 1st day of
and at such other time or times to which the proceedings may be continued or further
held, and before any court or judge hereafter having or holding any proceedings in connection with
the said charge, and then and there answer the Commonwealth of Virginia concerning a certain
standards whereof the said

declared void by order of a competent court, then the above recognizance shall be null and void; other-
wise to remain in full force and effect.

In Witness Whereof, I hereunto affix my signature this 18 day of

Stephen Johnson
(Paul Commissioner)

Mettie Minor
\$250.00
Dec 1st Day
Dec 19 31 Term

Arrest Warrant

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

To W T Rexroad, a Constable of said County:

Whereas, W T Rexroad of the said County, has this day made complaint and information on oath before me, R. B. Dwyer a Justice of the said County, that Herbert Smalwood and Halsie Smalwood of the said County, on the 7 day of Nov, 1931, in the said County, did

Willfully have in their possession about 3 1/2 Gas of ardent spirits against the peace & dignity of 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 Herbert Smalwood and Halsie Smalwood to answer the said complaint and to be further dealt with according to law. And you are required to summon

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

Given under my hand and seal this 7 day of Nov, in the year 1931
R. B. Dwyer J. P. [Seal]

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

JUDGMENT

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

I, _____, a Justice of the Peace in and for the County of Rockingham, Virginia, do hereby certify that _____ and _____ as his surety, have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____) to be made and levied of their goods and chattels, upon this condition: That the said _____ shall appear before the undersigned or the Circuit Court of Rockingham County, on the _____ day of _____, 19____, 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 _____ day of _____, 19____.

_____, J. P.

JUDGMENT

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

Commonwealth

vs.

Arrest Warrant

*Harbert Incebrook
Halsey Smalwood*

Fine	-	-	-	\$
Clerk's Fee	-	-	-	\$
Justice's Fee	-	-	-	\$
Arrest	-	-	-	\$
Summoning Witness	-	-	-	\$
Witness Attendance and Mileage	-	-	-	\$
Commonwealth's Attorney	-	-	-	\$
Jail Fees	-	-	-	\$
Total	-	-	-	\$

Executed the within warrant by arresting and delivering the body of

_____ before _____ a justice of Rockingham County, and by summoning the within named witnesses in person this _____ day of _____, 19____.

Constable of Rockingham County

Justice of the Peace.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

H. B. Hoake, J. L. Logan
+ M. T. Resode

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. Mattie Minor, Herbert Smallwood
+ Halie Smallwood

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 1931, and in the 15^{6th} year of the Commonwealth.

J. Robert Switzer, Clerk

Exeduted Jan, I-1932, By delivering a true copy
of the within summon to H.B.Hooke, John Logan,
and W.T?Rexroad each in person.

J.P. Newman Deputy for
C.R.Fawley, S.R.C.

Com.

²
Matthe Minor

Herbert Smallwood

+
Halie Smallwood

1932

Jan. 5

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

H. B. Hook,

J. L. Logan & M. S. Reynolds

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 *15th* day of *Jan.* 19 *32*,

to testify and the truth to say in behalf of the Commonwealth against

*Herbert Smallwood &
Halsie Smallwood*

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 *13th*
day of *Jan.* 19 *32*, and in the 15 *6th* year of the Commonwealth.

J. Robert Switzer, Clerk

executed June 13 1932 by delivering a true Copy of the
within Summons to M. D. Reynolds & H. B. Hoole

in person.

S. Newman Deputy for
C. R. Dawley Clerk

June 13

1932

ROBERT ZIMMERMAN

County of ...

...

...

...

...

Harrisfieldwood

In the Name of the Commonwealth of Virginia

Com

Mattie Minor

Sheriff fee
 arrest - 10.00
 Sum Witness 3.00
 Court fee .50
 \$13.50

Herbert Smallwood

arrest 10.00
 Sum Witness 3.00
 Court fee .50
 \$13.50

DEC 1931

#969

COMMONWEALTH

v.) Misdr. (Pro.)

MATTIE MINOR Tried Jan. 7
 HERBERT SMALLWOOD) Conting bond
 HALSE SMALLWOOD

set for Jan. 13

Smallwood today
+ \$50.00

v. Press & Halse Smallwood



31 60