

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 February term, 1924, upon their oaths do present that Mattie Higgins Spitzer, 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, 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 Mattie Higgins Spitzer, within one year next prior to the finding of this indictment, in the said County of Rockingham, did unlawfully have in her 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 Mattie Higgins Spitzer, 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 John Funk, C. W. Dove, and W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence. *D. W. Shipler*

Viol. Pro. Act

COMMONWEALTH

v.

MATTIE HIGGINS SPITZER

A MISDEMEANOR

A TRUE BILL

L. S. Johnson
FOREMAN

Set for Nov 1924

D. W. De Juan,
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

Commonwealth of Virginia—City, County of, *Fairfax* to-wit:

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

WHEREAS *W. T. Rynold, State Inspector* of the said City County has this day made complaint and information on oath before me *Shelby Stewart* 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, occupied* by one *Matthe Higgins*

(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 in a certain

(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 *19* day of *January* 192*4*
Shelby Stewart (SEAL)
Title of Magistrate.

Mattie Higgins, the within named accused personally appeared before me this 19th day of January, 1924, at the County Office at Sweet Springs, Virginia, and admitted to me that she had been arrested by the Commonwealth's Attorney on the 24th day of July 1924, before Judge [unclear] at the County Office at Sweet Springs, Virginia, and that she had been committed to the County Jail at Sweet Springs, Virginia, and that she had been held there since that time.

DIRECTIONS

1. If one or more Ardent Spirits and containers be seized, the Magistrate shall fix a time not less than 10 or 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 the 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 of the case may be, for determination, and declare the unclaimed articles forfeited.

2. If still, still cap, worm, tubs, heater, fermenter, 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, 22, 23, 23 1/2, 5, and 57 1/2. Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Mattie Higgins

Executed the within warrant this... *19*.....day

of *January, 1924*., by searching the within stated *Dwelling House*

(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 _____

1 pint-bottle half full of liquor
Empty half gallon containers
1 large funnel and pipe
1 small funnel
1 drink glass

Given under my hand this... *19*.....day of

Jan. 1924
H. P. Resnois
State Prohibition Inspector
Title

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

C. H. Dove Sheriff
J. S. Frank Federal Agent
D. W. Shifflet - Spec Officer

Other than above stated the following are witnesses:

A. A. Gray Federal Agent
Alexander

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....

Arrest \$1.00
Warrant \$1.00
Costs \$15
Take \$2.00

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.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

John Funk, C. W. Dove,
W. T. Repulse,

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 18 day of March 1924 to testify and the truth to say in behalf of the Commonwealth against.....

Mattie Higgins Spitzer
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 March, 1924 and in the 148th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed March 17, 1924 by delivering
a copy of this summons to Geo. Frank
W. T. Reprode & C. W. Hovey in person.
C. W. Hovey, S.P.C.

Com
vs
Mattie Huggens
Spitzer

REC'D

charged
Sheriff fee \$1.50

March 18, 1924

CIRCUIT COURT OF ROCKINGHAM COUNTY

Feb

Term, 19*24*

W. W. Skiffert

has been sworn in open court as a witness before the
Grand Jury.

J. H. Blackburn

Clerk.

CIRCUIT COURT OF ROCKINGHAM COUNTY

Term, 1924

has been sworn in open court as a witness before the
Grand Jury.

Clerk.

Feb. 2nd 1924~~82~~

Mattie Higgins

Spitzer

ad. Modemearow

Commonwealth

March 18

Not Pass



20-4446