COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The jurors of the Commonwealth of Virginia in and for the body of said county of Rockingham and now attending said Court at its June term, 1932, upon their oaths do present that R. A. Sellers, on or about July 1, 1932, in said county, did unlawfully have in his possession five gallons of ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. E. Lucas, G. A. Lawson, W. T. Rexrode, witnesses sworn in Court and sent before the grand jury to give evidence.

Poss.

Commonwealth

v.

R. A. Sellers

B

Misdemeanor

June term, 1932.

A True Bill:

J N Earman
Foreman

Witnesses: W. E. Lucas
G. A. Lawson
W. T. Rexrode

D. W. Earman
Commonwealth's Attorney

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 1st day of July, 1932 R. A. Sellers, principal and W. E. Knupp surety, who justified to his sufficiency, came before me, Shelley 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 Two Hundred Fifty Dollars, ($250.00), to be levied of their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waved their homestead exemption to their recognizance; yet upon this condition:

That if the said R. A. Sellers shall personally appear before the ~~Circuit~~ Justices Court of Rockingham County, at the Courthouse of said County, on the 2nd day of the July 1932 at 11 AM 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 R. A. Sellers 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; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 1st day of July, 1932.

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

P. O. Allen
$250.00
To Feb 21 1932
Justice Court

Commonwealth of Virginia—~~City~~, County of, Rockingham to-wit:

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

WHEREAS W. T. Rexrode of the said City County has this day made complaint and information on oath before me, John F. Byerly (Name of Magistrate) J.P. (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 + out buildings (Here describe the place, house, room or boat, as the case may be) by one Seller, the Ben Smith Property (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 Seller, the Ben Smith Prop (Give name, if name unknown, say, "Whose name is to the informant unknown") in a certin dwelling house + out buildings + Premises (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 1 day of July 1932.

John F. Byerly (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.

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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 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.

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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 sufficient report.)

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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. R. A. Sellers.

Executed the within warrant this 1st day of July, 1934, 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 others things seized
5 gallons of Home Brew.

Given under my hand this 1st day of July, 1934.

H. G. Reynolds
State Prob. Inspector.
Title

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

G. A. Larson.
H. E. Lucas.
B. A. Cooper.

Other than above stated the following are witnesses:

.....

This matter set for hearing on the .....day of .....

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 .....

.....
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 .....

.....
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.

Com v. R. A. Sellers

It appearing that R. A. Sellers who was convicted at a former day of this term of misdemeanor violation of the prohibition act on a plea of guilty and sentenced to pay a fine of $50.00 and the costs attending the proceeding, has made provisions as provided by law for the payment of said fine and costs and it further appearing that the said R. A. Sellers is in such physical condition that she is unfit for the road force and that his confinement in jail would be detrimental to his health, and further that the offense of which he was charged and for which he was convicted was probably an unintentional violation, the court doth hereby suspend the further execution of the sentence imposed, during his good behavior, and he is hereby ordered released from further custody of the jailor.

7/14/32

5/30

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon N. E. Lucas, G. A. Lawson & W. J. Pefrode

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10~~ 9:30 *o'clock, a. m., on the* 11th *day of* July 19 32, *to testify and the truth to say in behalf of the Commonwealth against* P. A. Sellers

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* 6th *day of* July 19 32, *and in the* 15 7th *year of the Commonwealth.*

....., *Clerk*

P & L. PRESS, HARRISONBURG, VA

executed July 8 - 1932 by delivering a true Copy of the

within Summons to W. L. Lucas G. A. Lawson &
W. T. Repsond

each in person.

S. F. Newman Deputy for
C. R. Fawley S.R.C.

Com

v.

P. A. Sellers

July 11
1932

Sheriff Court
arrest $10.00
Summon Witness 3.00
Docket .50
13.50

JUN 1932 #1028

COMMONWEALTH

V. G Misdemeanor (Pro.)

R. A. SELLERS July-11
Court-bond
1 mo. 50 Rel fare
Ser-Prickett

ALVAH BUSHNELL COMPANY
Bushnell
PHILADELPHIA, PA.

31 60