

W. J. Miller
5

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 April term, 1928, upon their oaths do present that Robert Herring, ^{Charles Marshall,} and Clarence Cupp, within one year next prior to the finding of this indictment, in said county of Rockingham, did ^{on January 18 - 1928} unlawfully and feloniously manufacture distilled ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

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

We the jury find the accused Robert Herring guilty
as charged in the indictment and fix his punishment
at three years in penitentiary

S. G. Miller -
Foreman

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, CO-VIR:

In the Circuit Court of said County:

Mfg

Commonwealth

v) Indictment

Robert Herring, Charles Marshall
Clarence Cupp

Felony

April term, 1928

A True Bill:

J. N. Smith
Foreman

D. W. Earman
Commonwealth's Attorney

George, witnesses sworn in Court and sent before the
Grand Jury to give evidence.

Commonwealth of Virginia,
Rockingham County, to-wit;

Be it remembered that on the 19th day of April, 1926,
Charles Marshall, G. J. Shifflett
came before me, Harry M. Strickler, Bail Commissioner, of the said
County of Rockingham, and severally and respectively acknowledged
themselves to be indebted to the Commonwealth of Virginia, in man-
ner and form following, that is to say: the said Charles

Marshall
in the sum of Five Hundred dollars, and the said G. J.
Shifflett, in the sum of Five Hundred dollars,
good and lawful money of the United States, to be respectively
made and levied of their several goods and chattels, lands and
tenements, and they severally waive the benefit of their Home-
stead Exemption as to this obligation, to the use of the Common-
wealth of Virginia, if the said Charles Marshall shall
make default in the performance of the condition underwritten.

The condition of the above recognizance is such that if the
above bound Charles Marshall do and shall personally appear
before the Circuit Court of the said County on the first day of
the next term thereof which is on the 20th day of April
1926, at the Court House thereof, ^{at 10 a.m.} and then and there answer the
Commonwealth for and concerning a certain felony by him
committed, wherewith he stands charged, or to any time or times
to which the proceedings may be continued or further heard, and be-
fore any Court or Judge, hereafter having or holding any proceedings
in connection with the said charge, and ^{not} depart thence without leave
of said Court, and be bound under this recognizance until said
charge is finally disposed of or until it is declared void by order
of a competent Court, then this recognizance shall be null and
void, otherwise remain in full force and virtue.

Harry M. Strickler
Bail Commissioner.

Commonwealth of Virginia
Rockingham County, ss-wis
No. 12 recorded at- in the 1928
1928
Charles Marshall
B. D. Shifflett

came before me, Harry M. Strickler, Esq. Commissioner, of the said
County of Rockingham, and severally and respectively acknowledged
before me to be indebted to the Commonwealth of Virginia, in an-

amount of Five Hundred Dollars, and the said B. D. Shifflett
in the sum of Five Hundred Dollars

and lawfully many of the United States, to be respectively
of their several goods and chattels, lands and
and they severally waive the benefit of their Hom-
in the use of the Common-
of Virginia, to the said Charles Marshall shall
of the condition of the condition underwritten.

The condition of the above contract is such that if the
said Charles Marshall or said B. D. Shifflett personally appear
before the Circuit Court of the said County on the first day of

the next term thereof which is on the 20th day of April
1928, at the Court House thereof, and then and there answer the
demand made by and concerning a certain February by him

counted, otherwise he stands charged, or to pay fine or costs
to which he is liable, or to be committed to the County Jail, and he
for any debt or duty, whether having or holding any property
in connection with the said debt, and hereby binds himself to
of said Court, and he binds said Charles Marshall and B. D. Shifflett

there is hereby declared by an order to be satisfied by order
of a competent Court, then this recognizance shall be null and
void, otherwise remain in full force and effect.

Harry M. Strickler
Esq. Commissioner

Charles Marshall
Paul
To 20th of April, 1928.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH :
v : CHARGE TO THE JURY
ROBERT HERRING and CHARLES CUPP :

If you find the accused, Robert Herring and ~~Charles Cupp~~,
or ~~either of them~~, not guilty, you will say so and no more.

If you find ~~them~~ ^{him} guilty, or ~~either of them~~ as charged in
the indictment, then you will say so and fix ~~the~~ ^{of him or the} punishment,
at confinement in the penitentiary for not less than one nor more
than five years, or, in your discretion by confinement in jail
for a period of not less than six months nor more than twelve
months, and a fine not exceeding five hundred dollars.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH

CHARGE TO THE JURY

v

ROBERT HERRING AND CHARLES SHEPPARD

Commonwealth

v)

Robert Herring and Charles Sheppard

Charge to the Jury

If you find the accused, Robert Herring and Charles Sheppard, guilty, you will say so and no more.

If you find the accused, Robert Herring and Charles Sheppard, guilty, of either of the offenses charged in the indictment, the jury will say so and fix the punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion by confinement in jail for a period of not less than six months nor more than twelve months, and a fine not exceeding five hundred dollars.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH :
v : CHARGE TO THE JURY
ROBERT HERRING :

If you find the accused, Robert Herring, not guilty,
you will say so and no more.

If you find him guilty as charged in the indictment,
then you will say so and fix his punishment at confinement in
the penitentiary for not less than one nor more than five years,
or, in your discretion by confinement in jail for a period of
not less than six months nor more than twelve months, and a
fine not exceeding five hundred dollars.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH

CHARGE TO THE JURY

v

ROBERT HERRING

If you find the accused, Robert Herring, not guilty,

you will say so and no more.

If you find him guilty as charged in the indictment,

then you will say so and fix his punishment as confinement in

the penitentiary for not less than one nor more than five years,

or, in your discretion by confinement in jail for a period of

not less than six months nor more than twelve months, and a

fine not exceeding five hundred dollars.

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered that on the 9th day of Feb.
1928, Robert Herring, J. H. Lewin
came before me, Harry M. Strickler, Bail Commissioner of the said
County of Rockingham, and severally and respectively acknowledged
themselves to be indebted to the Commonwealth of Virginia, in manner
and form following, that is to say: the said Robert Herring
in the sum of Five Hundred dollars and the said J. H. Lewin
in the sum of Five Hundred dollars and the said _____
in the sum of _____ good and lawful money of
the United States, to be respectively made and levied of their several
goods and chattels, lands and tenements, and they severally waived
the benefit of their Homestead Exemption as to this obligation, to
the use of the Commonwealth of Virginia, if the said Robert
Herring shall make default in the performance of the condition
underwritten.

The condition of the above recognizance is such that if the
above bound Robt. Herring do and shall personally appear be-
fore the Circuit Court of the said County on the first day of the next
term thereof which is on the 20th day of Feb., 1928,
at the Court House thereof, and then and there answer the Commonwealth
for and concerning a certain Felony by him committed, where-
with he stands charged, or to any time or times to which the proceed-
ings 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 not depart thence without leave of said Court, and
be bound under this recognizance until said charge is finally disposed
of or until it is declared void by an order of a competent Court, then
this recognizance shall be null and void, otherwise shall remain in
full force and virtue.

Harry M. Strickler
Bail Commissioner.

Commonwealth of Virginia
Rockingham County, ss-wit:

It is remembered that on the 24th day of Feb. 1888
Robert Herring, J. H. Lewis
and before me, Harry M. Atkinson, Hall Constable of the said
County of Rockingham, and severally and respectively acknowledged
themselves to be indebted to the Commonwealth of Virginia, in money
and for following, that is to say: the said Robert Herring
in the sum of Five Hundred Dollars and the said J. H. Lewis
in the sum of Five Hundred Dollars

Robert Herring
Debit

in the sum of Five Hundred Dollars and the said J. H. Lewis
in the sum of Five Hundred Dollars to be respectively made and paid of both several
goods and chattels, lands and tenements, and they severally waived
the benefit of their respective exemption as to this obligation, in
the case of the Commonwealth of Virginia, if the said Robert
Herring shall make default in the performance of the condition
and covenants.

The condition of the above recognizance is that that if the
above named Robert Herring do and shall personally appear be-
fore the Circuit Court of the said County on the first day of the next
term thereof which is on the 24th day of Feb. 1888.

for and concerning a certain debt by him contracted, when-
ever he stands charged, or to any time or times to which the process
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 not depart thence without leave of said Court, and
he found under this recognizance with said charge is finally disposed
of or until it is declared void by an act of a competent Court, then
this recognizance shall be null and void, otherwise shall remain in
full force and effect.

Harry M. Atkinson
Hall Constable

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered that on the 9th day of February
1928. Clarence Cupp and J. H. Lewin
came before me, Harry M. Strickler, Bail Commissioner of the said
County of Rockingham, and severally and respectively acknowledged
themselves to be indebted to the Commonwealth of Virginia, in manner
and form following, that is to say: the said Clarence Cupp
in the sum of Five Hundred dollars and the said J. H. Lewin
in the sum of Five Hundred dollars and the said _____
in the sum of _____ good and lawful money of
the United States, to be respectively made and levied of their several
goods and chattels, lands and tenements, and they severally waived
the benefit of their Homestead Exemption as to this obligation, to
the use of the Commonwealth of Virginia, if the said Clarence
Cupp shall make default in the performance of the condition
underwritten.

The condition of the above recognizance is such that if the
above bound Clarence Cupp do and shall personally appear be-
fore the Circuit Court of the said County on the first day of the next
term thereof which is on the 20th day of February, 1928.
at the Court House thereof, and then and there answer the Commonwealth
for and concerning a certain felony by him committed, where-
with he stands charged, or to any time or times to which the proceed-
ings 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 not depart thence without leave of said Court, and
be Bound under this recognizance until said charge is finally disposed
of or until it is declared void by an order of a competent Court, then
this recognizance shall be null and void, otherwise shall remain in
full force and virtue.

Harry M. Strickler
Bail Commissioner.

It is remembered that on the

day of February 1875

1875, Charles Cuff and J. A. Bessie

of the County of Rockingham, and severally and respectively acknowledged

the contents of the foregoing, that is to say: the said Charles Cuff

in the presence of John H. Bessie and the said J. A. Bessie

in the presence of John H. Bessie

the United States, to be respectively made and levied of their several

goods and chattels, lands and tenements, and they severally advised

the said Charles Cuff that in the event of his default in the performance of his condition

the condition of the above recognizance is such that if the

above named Charles Cuff do not appear personally or by

for the Circuit Court of the said County on the first day of the next

term thereof which is on the 20th day of February, 1875,

at the Court House thereof, and then and there answer the same

for and concerning a certain February by him committed, where-

with be stands charged, or on any time or times to which the process-

then may be continued or further held, and before any Court or Judge,

preceptor having or holding any process in connection with the

said charge, and not before the Court, shall be liable to be

to bond under this recognizance until said charge is finally disposed

of or until it is declared void by an order of a competent Court, when

this recognizance shall be null and void, otherwise shall remain in

full force and virtue.

John H. Bessie
Jury Commissioner

Charles Cuff
Bessie

Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

To W. J. Reprode, Prohibition Inspector, a Constable of said County:

Whereas, W. J. Reprode " " of the said County, has this day made complaint and information on oath before me, St. J. Arguebright a Justice of the said County,

that Colonel Cuff of the said County, on the 18th day of January 1928, in the said County, did

Unlawfully Manufacture Ardent Spirits in Violation of the Prohibition Laws of this 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

Goldie Ray to answer the said complaint and to be further dealt with according to law. And you are required to summon

W. E. Lucas & Daniel Whiglet

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

Given under my hand and seal this 19th day of January, in the year 1928

St. J. Arguebright J. P. (Seal)

Commonwealth

vs.

Arrest Warrant

Colonel. Cuffe.

Executed the within warrant by arresting
and delivering the body of

Colonel. Cuffe

before F. J. Argenbright
a Justice of Rockingham County, and by sum-
moning the within named witnesses in person,

this 9 day of Feb 1928

H. T. Rexrode

Constable of Rockingham County.

State Inspector

Rockingham County State of Virginia,
The Released Names in within Warrant notice a preliminary
hearing and are committed to the jail of this County.
to which the return of the Grand Jury.
Given under my hand this the 9th day of February 1928
F. J. Argenbright, J.

Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

To W. J. Rexrode Pro. Inspectr, a Constable of said County:

Whereas, W. J. Rexrode of the said County, has this day made
complaint and information on oath before me W. J. Arguebright a Justice of the said County,
that Robert Herring

of the said County, on the 18th day of January 1928, in the said County, did

Unlawfully Manufacture Ardent Spirits in Violation
of the Prohibition Laws of this 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

Robert Herring
to answer the said complaint and to be further dealt with according to law. And you are required to summon

W. E. Lucas, Daniel Shipleh

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

Given under my hand and seal this 19th day of January, in the year 1928

W. J. Arguebright J. P. (Seal)

Rockingham County, State of Virginia;
The above named in within warrant was sent on to the
Grand Jury in the absence of any one to go his bail he is
committed to the jail of this County
Given under my hand this the 7th day of February 1928
O. J. Rexrode, A. S.

Commonwealth

vs.

Arrest Warrant

Robt. Herring

Executed the within warrant by arresting
and delivering the body of

Robert Herring

before F. J. Argenbright
a Justice of Rockingham County, and by sum-
moning the within named witnesses in person,

this 7 day of Feb'y 1928

O. J. Rexrode

Constable of Rockingham County.

State Inspector

Gen vs Herms

J. C. Bradford	✓✓
J. H. Spomer	✓✓
Ralph Staples	
Oliver E. Suter	
P. T. Kiser	
C. E. Southard	
B. H. Hovus	✓✓
S. C. Miller	✓✓
S. W. Downey	✓✓
A. R. Buske	
J. H. Rhodes	✓✓
E. R. Harrison	
S. S. Palmer	✓✓
James R. Wampler	
Jacob Swartz	✓✓
T. B. Good	✓✓
Warren F. May	✓✓
C. V. Phillips	✓✓
Sam G. Witt	
C. Berlin Hollar	✓✓

Com vs Robert Herring

J.C. Bradford	2.80
J.H. Spades	2.40
B.H. Oliver	2.30
S.C. Miller	2.70
S.W. Loring	2.90
J.H. Rhodes	2.20
S.S. Palmer	2.40
Joel Searcy	3.30
T.B. Good	2.20
O.F. Hays	2.90
C.V. Phillips	2.80
O. Berlin Noller	

24.40

Aug 1928 #473

COMMONWEALTH

VS) Felony (Pro.)

~~ROBERT HERRING,~~
~~CHARLES MARSHALL,~~
~~CLARENCE CUPP~~

May 8th
Verdict vs Robert Herring
Clarence Cupp - on plea of guilty



20-4446