

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 February term, 1929, upon their oaths do present that James Shoemaker, within one year next prior to the finding of this indictment, in said county, did unlawfully have in his possession about three quarts of ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of W. E. Lucas and S. F. Newman, witnesses sworn in Court and sent before the grand jury to give evidence.

Unlawful possession

Commonwealth

v) Indictment

James Shoemaker

Misdemeanor

February term, 1929

A True Bill:

T. T. Showalter
Foreman

Cor. Bond

D. W. Earman
Commonwealth's Attorney

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 County of Rockingham, and now attending

for the body of said County of Rockingham, and now attending
that James Shoemaker, witness sworn in Court and sent pe-
for the body of said County of Rockingham, and now attending
this indictment is read on the testimony of W. E.
the peace and dignity of the Commonwealth of Virginia.
possession of three dollars of silver and gold, against
of this indictment, against
that James Shoemaker, witness sworn in Court and sent pe-
at the February term, 1929, upon their oaths do
and now attending

Jones and S. F. Newman, witnesses sworn in Court and sent pe-
This indictment is read on the testimony of W. E.
for the body of said County of Rockingham, and now attending

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 5th day of Feb 1929
James W Shoemaker, principal and J. F. Ritchie
surety, who justified to his sufficiency, came before me, John F. Byerly J.P.
(J. P. or Bail Commissioner)

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
Four Hundred Dollars, (\$400.00),
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 waived their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said James W. Shoemaker shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the ~~5th~~ ^{first} day of the
Feb Term thereof, being the 18 day of Feb
1929, 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
Mistake whereof the said James W. Shoemaker 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 5th day of Feb
1929.

John F. Byerly
(J. P. or BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 2^d day of Feb. 1822
James M. Shumaker, principal and J. H. Mitchell
agent, who testified to the said

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, (\$500.00)
for the level 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-
cognition; yet upon this condition:

That if the said James M. Shumaker shall personally appear before
the Court of Rockingham County, at the Court-house of said County, on the 18th day of Feb.
Term thereof, being the 18th day of Feb.

1822, 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
whereof the said James M. Shumaker
charged, and be bound under said recognition until the charge is finally disposed of or until it is
declared void by order of a competent court, then the above recognition shall be null and void; other-

wise to remain in full force and effect.
In Witness Whereof, I hereunto set my signature this 2^d day of Feb. 1822

John A. [Signature]
(J. P. [Signature])

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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 *Ch. T. Reynolds* State Inspector of the said ^{City} County

has this day made complaint and information on oath before me, *John F. Byerly, J. P.* 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 & out-buildings*

Here describe the place, house, room or boat, as the case may be

by one *James Shoemaker*

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 *James Shoemaker*

Give name, if name unknown, say "Whose name is to the informant unknown"

in a certain *dwelling house & 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

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 *5th* day of *July* 192*9*

John F. Byerly (SEAL)
J. P.
Title of Magistrate

DIRECTIONS

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.

James Shremaker

Executed the within warrant this *5th* day of *Feb*, 192*9*, 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 quarts of liquor

Given under my hand this *5th* day of

Feb, 192*9*.
H. T. Penrod
State Inspector Title

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

S. F. Newman
C. E. Lucas

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.

Shew & Fee \$14.90

Feb

#581

COMMONWEALTH

VS. Misd. (Pro.)

JAMES SHOEMAKER

26

11.50

Part 1

Plan guilty
removal by cr
2/18/29 - 1 month
50.00 fine -



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