

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 December term, 1927, upon their oaths do present that Samuel E. Davis, who was heretofore, to-wit, on the 22d day of May, 1924, convicted of violating the prohibition laws in the Circuit Court of Rockingham County, Virginia, and was given two months in jail and a fine of one hundred dollars, within one year next prior to the finding of this indictment, in the said county of Rockingham, did unlawfully have in his possession a still, still cap, worm, tub, fermenter, and other appliances connected with and used in the operation of a still, without having the same registered as required by law, against the peace and dignity of the Commonwealth of Virginia.

Le W. Dove This indictment is found on the testimony of George A. Lawson, a witness sworn in Court and sent before the grand jury to give evidence.

2nd Appeal
possession of still
(second)

Commonwealth

v) Indictment

Samuel E. Davis

Felony

December term, 1927

A True Bill:

J. P. Bradford
Foreman

D. W. Earman
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

State of the Commonwealth of Virginia.

in case
This indictment is found on the testimony of George A. [illegible] a witness sworn in Court and sent before the Grand Jury to

give evidence.

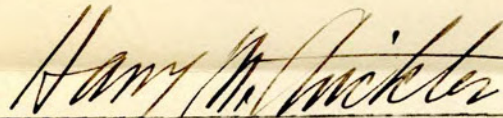
Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 10th day of November, 1927,

SAMUEL E. DAVIS and GEORGE E. DAVIS

came before me, Harry M. Strickler, Bail Commissioner, for 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 Samuel E. Davis in the sum of one thousand (\$1,000.00) dollars, and the said George E. Davis in the sum of one thousand (\$1,000.00) dollars, 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 Samuel E. Davis shall make default in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above bound Samuel E. Davis do and shall personally appear before the Circuit Court of the said County on the first day of the next term thereof, then and there to 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 before any Court or Judge hereafter having or holding any proceedings in connection with the said charge, and not depart thence without leave of 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 shall remain in full force and virtue.



Bail Commissioner.

Commonwealth of Virginia,
Rockingham County, to-wit:

Be it remembered, that on the 10th day of November, 1927,

SAMUEL E. DAVIS and GEORGE W. DAVIS

came before me, Harry M. Strickland, Bail Commissioner, for 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 Samuel E. Davis

in the sum of one thousand (\$1,000.00) dollars, and the said George

E. Davis in the sum of one thousand (\$1,000.00) dollars, 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 Common-

wealth of Virginia, if the said Samuel E. Davis shall make de-

fault in the performance of the conditions underwritten.

The condition of the above recognizance is such that if the above

named Samuel E. Davis do and shall personally appear before

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

term thereof, then and there to answer the Commonwealth for the con-

cerning a certain felony by him committed wherever he

stands charged, or to any time or times to which the proceedings may

be continued or further heard, and before any Court or Judge here-

after having or holding any proceedings in connection with the said

charge, and not depart thence without leave of Court, and he 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 shall remain in full

force and virtue.



Bail Commissioner.

*Samuel E. Davis
Bail*

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 *Ed Lawson* of the said City County

has this day made complaint and information on oath before me, *J. H. Bruce* 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 *Dewberry House & out Buildings* (Here describe the place, house, room or boat, as the case may be)

by one *Sam Ed News* (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

(Give name; if name unknown, say, "Whose name is to the information unknown")

in a certain (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 *9* day of *Nov* 192*7*

(SEAL) *J. H. Bruce* 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 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. *Sam Ed Davis*

Executed the within warrant this... *10th* ...day of... *Nov.* ... 192... 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 *1-20 gal. still,*
1 capped cap,
1 " worm,
1 flask stand,
2 1/8 gal. of liquor,

Given under my hand this... *10th* ...day of... *Nov.* ... 192...
J. A. Layson
Dep Sheriff

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

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 were carried.

5.50
1.25
25
\$6.25

2d offense

#455

Dec. Term 1927

COMMONWEALTH

VS

Felony (Pro.)

SAMUEL E. DAVIS

