

*We the jury find the defendant, George M. Leap, guilty -*  
*J. R. [unclear]*

STATE 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, 1921, upon their oaths, do present that Frank M. Leap 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, transport, dispense, solicit, advertise and receive orders for ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of George Minor, Thomas F. McClung, Lynwood Shifflett, C. J. Begoon, R. M. Burke, and "Bud" Royer, witnesses sworn in court and sent before the grand jury to give evidence.

*Witness Geo Minor  
Thomas McClung  
Lynwood Shifflett  
R. M. Burke  
Bud Royer  
C. J. Begoon  
Earl Morris*

We the jury find the defendant, Frank M. Leap guilty -

J. M. Rhodes  
Foreman

Viol. Pro. Act.

Commonwealth

vs. ) Indictment

Frank M. Leap

Misdemeanor

April term, 1921.

A True Bill

D. W. Earman  
Commonwealth's Attorney

STATE OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the circuit court of said county:  
The Grand Jurors do hereby certify that the body of said county  
of Rockingham and upon their oaths, do present that Frank M.  
Leap within one year next preceding the finding of this  
indictment, in the said county of Rockingham, did unlawfully  
manufacture, sell, offer, keep, store and expose for sale  
and give away, transport, dispense, solicit, advertise and  
receive orders for argenteo spirits, against the peace and  
dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of George  
R. M. Burke, and "Bud" Royer, witnesses sworn in court and  
Minor, Thomas W. McClung, Lynwood Shifflett, C. J. Beeson.

*Handwritten notes:*  
D. W. Earman  
Commonwealth's Attorney  
George R. M. Burke  
"Bud" Royer  
Minor, Thomas W. McClung  
Lynwood Shifflett  
C. J. Beeson

INSTRUCTION NO. 2

Rep.

The Court instructs the jury that if they believe from the evidence in this case that T.F. McClung sold the contents of the barrels referred to in the evidence to the accused as vinegar, and the said accused purchased the same believing the said contents to be vinegar, then the jury is instructed that they shall find the accused not guilty.

INSTRUCTION NO. 3

The Court instructs the jury that if they believe from the evidence that the contents ~~from~~<sup>in</sup> the barrels sold by T.F. McClung to the accused in this case was ~~solids~~ vinegar and not ~~a~~ a beverage, and if they further believe that it was sold as such by the said McClung to the accused and purchased as such by the accused from McClung, then they shall find the accused not guilty.

INSTRUCTION NO. 4

Rep.

The Court instructs the jury that unless they believe from the evidence in this case that the contents of the barrels referred to in the evidence contained more than one half of one percentum of alcohol, by volume, then they must find the accused not guilty.

The Court offered to put the 1/2 of one per cent of alcohol part of this instruction in instruction No. 3, but defense objected.

INSTRUCTION NO. 2

The Court instructs the jury that if they believe from the evidence

in this case that T.F. McGinnis sold the contents of the barrels referred to in the evidence to the accused as vinegar and the said accused purchased the same believing the said contents to be vinegar, then the jury is instructed that they shall find the accused not guilty.

*Green*  
*is*  
*Dray*  
*Instruction for*  
*Deponer Review*  
*Part 2*  
*2 + no 2*  
*No. 3 changed*  
*by Deponee &*  
*Prison*

The Court instructs the jury that if they believe from the evidence

that the contents of the barrels sold by T.F. McGinnis to the accused in this case was ~~not~~ vinegar and not a beverage, and if they further believe that it was sold as such by the said McGinnis to the accused and purchased as such by the accused from McGinnis, then they shall find the accused not guilty.

INSTRUCTION NO. 4

The Court instructs the jury that unless they believe from the

evidence in this case that the contents of the barrels referred to in the evidence contained more than one half of one percentum of alcohol, by volume, then they must find the accused not guilty.

*The Court appears to find the 1/2 of one percent*  
*of alcohol part of this instruction*  
*was instructed No. 3. but appears to be*

INSTRUCTION No. 1

The Court instructs the jury that the failure of the accused to testify in his own behalf creates no presumption against him.



Instruction No. 2

The court instructs the jury that the accused is presumed to be innocent until he is proven to be guilty beyond every reasonable doubt, ~~by the Commonwealth~~, and that the burden of proving his guilt rest upon the Commonwealth, and that to warrant a conviction of any offense every fact necessary to establish his guilt must be proven beyond every reasonable doubt, ~~by the Commonwealth~~.

Instruction No. 3

The Court instructs the jury that if they believe from the evidence that the contents of the barrels sold by T. F. McClung to the accused in this case was vinegar and not a beverage and that the same was not manufactured into ardent spirits then they shall find the accused not guilty.

2  
Instruction No.

The court instructs the jury that the accused is presumed to be innocent until he is proven to be guilty beyond every reasonable doubt by the Commonwealth, and that the burden of proving his guilt rest upon the Commonwealth, and that to warrant a conviction of any offense every fact necessary to establish his guilt must be proven beyond every reasonable doubt by the Commonwealth.

3  
Instruction No.

The Court instructs the jury that if they believe from the evidence that the contents of the barrels sold by T. F. McGinnis to the accused in this case was vinegar and not a beverage and that the same was not manufactured into spirit then they shall find the accused not guilty.



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Circuit Court of Rockingham County, ..... Term, 191.....

*ORDERED, That*..... *pay unto*

..... *a witness for*..... *in suit at law of*

..... *vs.*.....

..... *Dollars and*..... *cents for*.....

*days' attendance and traveling*..... *miles and*.....

*Cents Toll.*

*Atteste:*

..... *Clerk*

6 om

W. Leap -

R. A. Gibbons

D. W. Neatwale

J. R. Rhodes

W. P. Funtt houses

J. B. Harmon

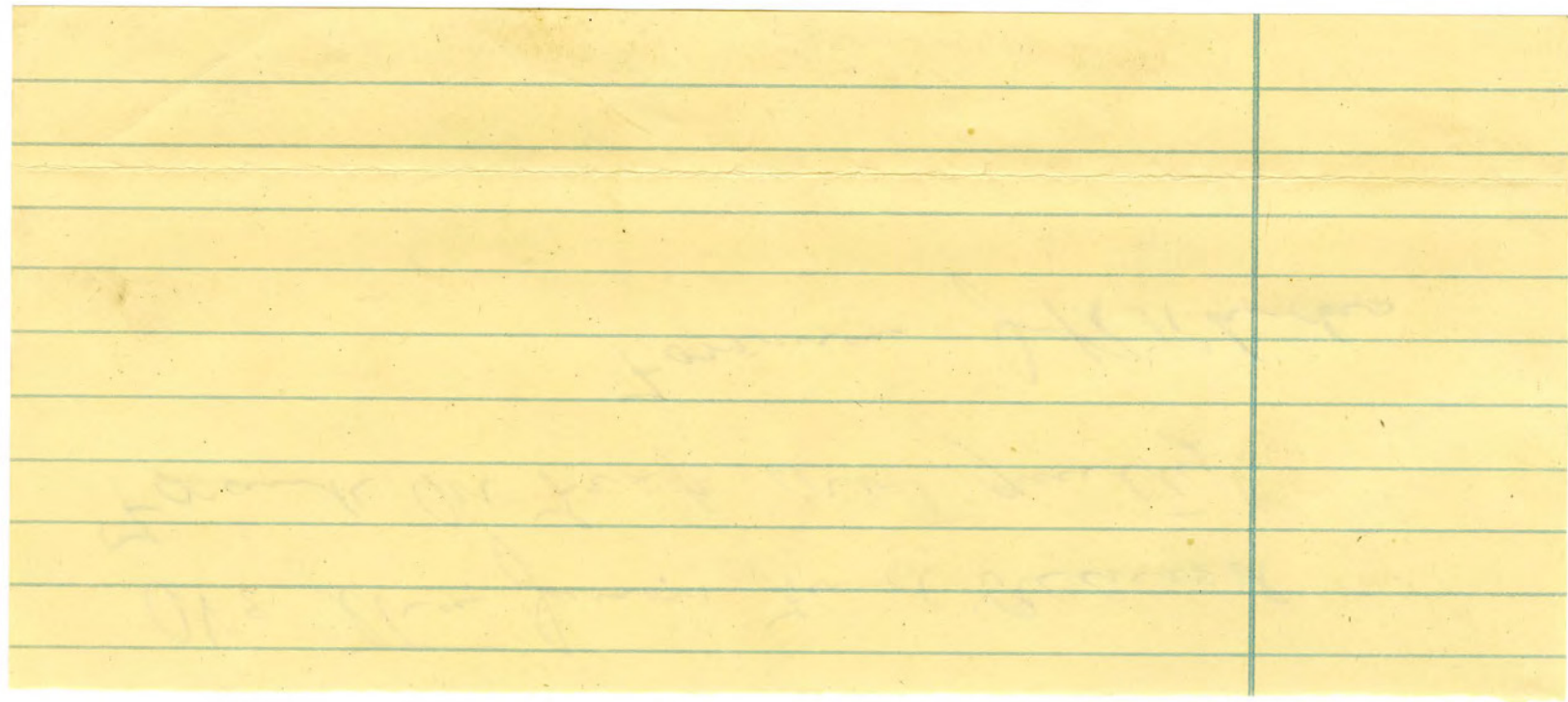
P. L. Biddle

J. H. Weaver



We the Jurors find Accused  
Frank M Leap not guilty

Foreman J R Rhodes



FRANK M. LEAP

ADS

COMMONWEALTH

Indictment for a  
Misdemeanor.

R. A. Gibbons  
D. Y. Heatwole  
J. R. Rhodes  
C. P. F. untkhouse  
L. B. Harmon  
T. L. Beedles  
H. H. Weavers

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Indictment that guilty  
May 78, 1921

