

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 October term, 1923, upon their oaths, do present that C. E. ("Buck") Carper 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 W. L. Dillard, W. T. Rexrode, and C. R. Fawley, witnesses sworn in Court and sent before the grand jury to give evidence.

*Handwritten notes at the bottom of the page, including the name "W. L. Dillard" and other illegible text.*



Viol. Pro. Act.

COMMONWEALTH

v.

C. E. ("BUCK") CARPER

A MISDEMEANOR

A TRUE BILL

FOREMAN

*E. J. Doyle*

D. W. EARMAN,  
COMMONWEALTH'S ATTORNEY

*We the jury find the accused, E. E. Carper, guilty  
as charged in this indictment and fix his punishment  
at three months in jail and a fine of \$100.00  
E. J. Doyle*



Commonwealth of Virginia—City, County of Henrico to-wit:

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

WHEREAS H. D. Bouscaren of the said City County has this day made complaint and information on oath before me, Shelby L. Dennis 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 dwellings and out-buildings occupied (Here describe the place, house, room or boat, as the case may be)

by one Buck Carper (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 25 day of June 1923  
Shelby L. Dennis (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.

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. Buck Carper

Executed the within warrant this.....day of....., 192...., by searching the within stated

(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 2 Pints of Ardent Spirits in 1/2 Gal Con

Given under my hand this June 28 day of

James H. S. Brown

Title

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.



Commonwealth of Virginia---City, County of Harrisonburg to-wit

WHEREAS, H. D. Brown (Here insert name of affiant or affiants) of the said County City

has this day made complaint and information on oath before me, Shippley & Davis Name of Magistrate. JP Title.

of the said County City that he verily believes for the reasons hereinafter stated in the said County City and State:

(a) Ardent spirits are being unlawfully manufactured, sold, kept, stored, possessed, held, used, and concealed, in a certain dwelling house & out buildings occupied (Here insert description of the place, house, room, or boat, as the case may be) by one Buck Carpenter (Give name, or say, "Whose name is to the informant unknown")

(b) A still, still cap, worm, tubs, fermenters and other appliances 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, or say, "Whose name is to the informant unknown") in a certain \_\_\_\_\_ (Here describe the place, house, room or boat, as the case may be)

(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, motor boat, package or baggage, or what not) by one \_\_\_\_\_ (Give name, or say, "Whose name is to the informant unknown")

And there being reasonable and probable cause for such belief, on account of the following facts stated by the affiant and others, to-wit: that Informant unknown

This is to certify that I have this day issued a search warrant to search the said dwelling house & out buildings (Here say place house, room, boat, auto or baggage, or as the case may be)

for the said ardent spirits (Here state what is to be searched for as, "Ardent Spirits," still, still cap, mash or what not)

Given under my hand this 28 day of June, 1923  
Shippley & Davis  
Title of Magistrate. JP



**AFFIDAVIT FOR A WARRANT TO SEARCH  
FOR ARDENT SPIRITS, ETC.**

Commonwealth of Virginia

vs.

Filed in the Clerk's Office of the.....  
Court of the.....of..... Va.  
County or City Name  
Court of the .....  
Virginia, this.....day of....., 192.....

Clerk.

By..... D. C.

*James M. ...*  
Commonwealth of Virginia - City, County of Henrico

*James M. ...*

*James M. ...*

*James M. ...*

ALBANY

Notary Public for Virginia

*James M. ...*

to wit: *James M. ...*

105.006.079

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THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETINGS:

We command you, that you take C. E. Carper if he be found within your bailiwick, and him safely keep, so that you have his body forthwith before the Circuit Court of Rockingham County, at the Court House thereof ~~at~~ ----- to answer us of a certain Misdemeanor whereof he stands indicted.

And have then and there this Writ. Witness J. F. Blackburn, Clerk of our said Court at the Court House the 16<sup>th</sup> day of October 1923, in the 148 year of the Commonwealth.

J. F. Blackburn Clerk.

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COMMONWEALTH

vs.

B. C. Harper

Shiff Fee 150

Presented by Delinquent the body of B.C. Harper  
in to the custody of the Court Oct-16-1923  
Wm. Townsend S.R.E.



COMMONWEALTH OF VIRGINIA,

*City* of *Harrisonburg*, To-Wit:

To the *D. Full* of said.....:

Whereas *C. D. Full*.....of the said *County*  
of *Rockingham* has this day made complaint and information on oath

before me, *Sheffer Dewar*....., a Justice of the Peace of said *City*,

that he has cause to believe and does believe that ardent spirits are being manufactured or stored  
for sale, barter, gift, or use, in violation of law, in a certain dwelling house or outbuildings,

situate in the *City* of *Harrisonburg* and in the County of Rockingham, Virginia,

and occupied by *Bush Cooper on Patterson St*

These are, therefore, in the name of the Commonwealth of Virginia to command you forth-  
with to search said buildings for ardent spirits and their containers, and bring the same and the  
person in whose possession they are found before me or some other Justice of the said.....  
to answer the said complaint and to be further dealt with according to law.

Given under my hand this *18th* day of *November*, 192*1*.

*Sheffer Dewar* (SEAL)  
Justice of the Peace.



Search Warrant for City  
or Town

COMMONWEALTH

vs.

"Buck" Campen

(SEAL)

Judge of the Peace



**In the Name of the Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*A. L. Dillard, W. T. Repode & C. P. Fawley.*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a.m., on the *15<sup>th</sup>* day of *Oct-* 19*12*,<sup>3</sup> to testify and the truth to say in behalf of the Commonwealth before the Grand Jury

*vs.*

*Bush Carper*

And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *9<sup>th</sup>* day of *Oct-*, 19*12*,<sup>3</sup> and in the 14<sup>*8*</sup> year of the Commonwealth.

*J. F. Blackburn*, Clerk.



Comr.  
vs  
Buck Carper.

Entered on all of the within  
named Returns OCT 10 - 1923

W2 Duland 802C

SHERIFF FEE \$ 1.80



**In the Name of the Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon ~~H. W. Newmyer~~  
*W. L. Dillard*  
*C. D. Fulk, W. J. Rescove, C. R. Fawley &*  
*D. P. Wine*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the *20* day of *Dec.* 19 *23*

to testify and the truth to say in behalf of the Commonwealth against  
*C. E. Cooper*

who stands charged with and indicted for a felony misdemeanor.

And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *12* day of *Dec.*, 19 *23* and in the *148*th year of the Commonwealth.

*J. F. Blackburn*, Clerk.



Com.

C. E. Carper

Executed as to all of the within  
Manned - Due 15 - 1923

WZ Diland SAC

900

BERIFF FEE

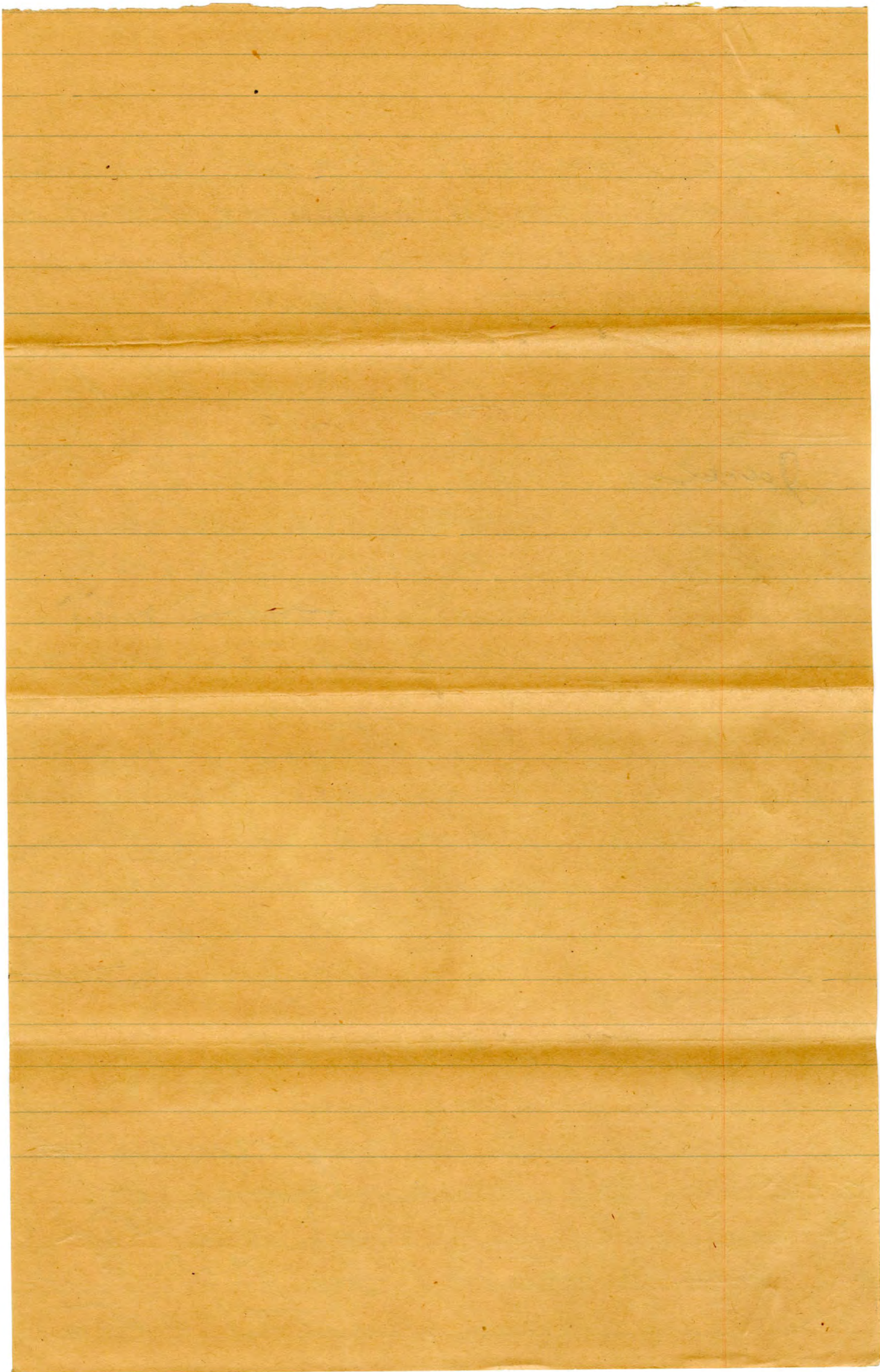


To the Hon. T. N. Haas, Judge  
of the Circuit Court of Rock-  
ingham County, Virginia,

<sup>C. E. alias</sup>

The petitioner <sup>C. E. alias</sup> "Beas" Carper  
respectfully represents that  
on the 17th day of  
June 1923, W. L. Dilbert  
Sheriff of Rockingham County  
together with certain assistants  
acting without a ~~valid~~ <sup>valid</sup>  
search warrant in the day-  
time of that day and in the  
absence of petitioner from  
his home, searched petitioner's  
dwelling house, and therein  
found a small quantity of  
ardent spirits in a glass  
container (said quantity ~~was~~  
<sup>being</sup> ~~the~~ <sup>part</sup>) which con-  
tainer and spirits they then  
and there seized and the same  
as petitioner is informed <sup>are</sup>  
now in the possession of  
said Sheriff, and that it  
is ~~for~~ intended by D. W. Ear-  
man, Commonwealth's Attorney,



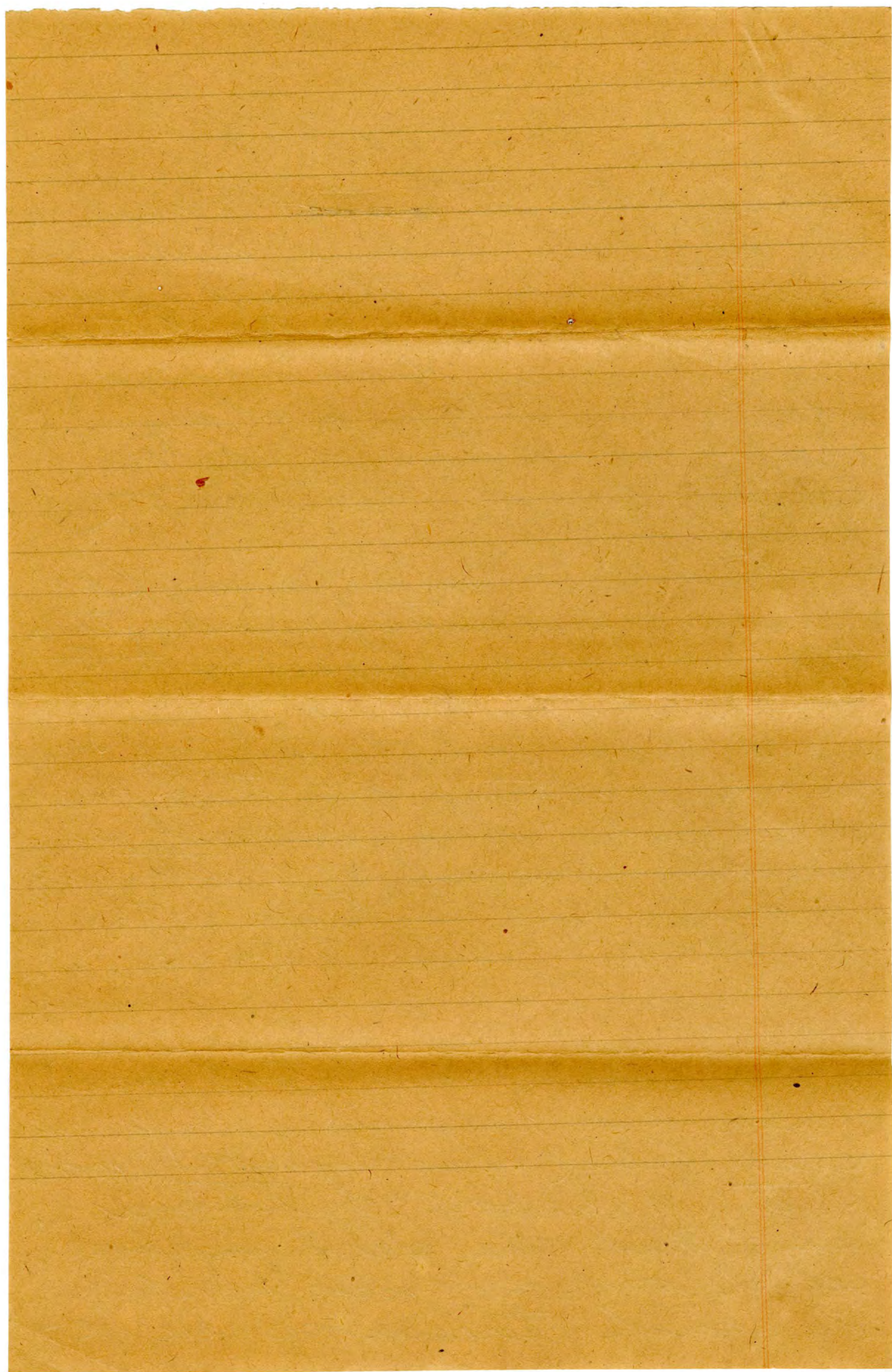




2/  
for said County ~~and~~ & use  
the same as evidence against  
petitioner upon the trial of an  
indictment, found at the October  
Term, <sup>1923</sup> of your Honor's court  
wherein petitioner is charged  
with a violation of the Pro-  
hibition Law of the State of  
Virginia.

That said DeWard, Sheriff as  
aforesaid, was acting under authori-  
ty of a paper signed by D. S.  
Dover Skiff. Dover, a Justice  
of the Peace for the City of Har-  
risonburg, reciting only that the  
applicant for a warrant au-  
thorizing a search of petitioner's  
dwelling house had made oath  
before said Justice that said  
applicant had reasonable cause  
to believe and did believe that  
ardent spirits were to be found  
therein but no facts upon which  
such belief was founded were  
stated, wherefore petitioner  
says that the said supposed  
search warrant was invalid  
the search thereunder an in-







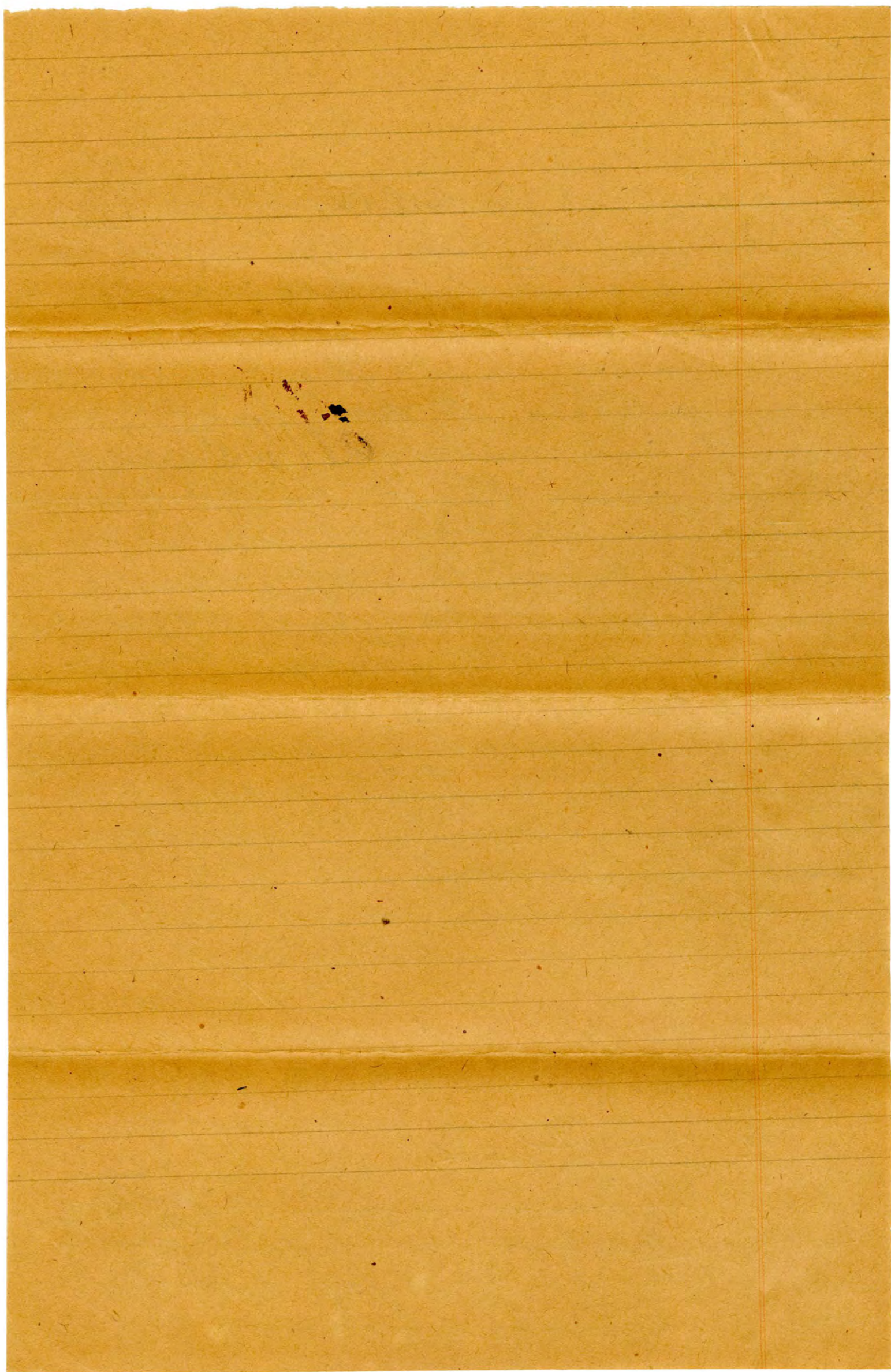
A review of petitioner's Constitutional rights and in violation of the Statutes of Virginia relating to search warrants in such cases and that Petitioner is entitled to ~~not~~ have said spirits and containers returned to him, and that no evidence ~~either~~ it nor any other evidence obtained by virtue of said search shall be used against him; and he prays that an order of this court may be entered directing said Sheriff to forthwith return said containers and spirits to petitioner ~~may be returned~~

And he will ever pray,  
 Buck Church  
 by D. D. Lee, his attorney  
 C. A. Hammon, his attorney

State of Virginia Rockingham County, to wit:

I \_\_\_\_\_ a Notary Public, in and for said County and State, do certify that this day personally appeared before







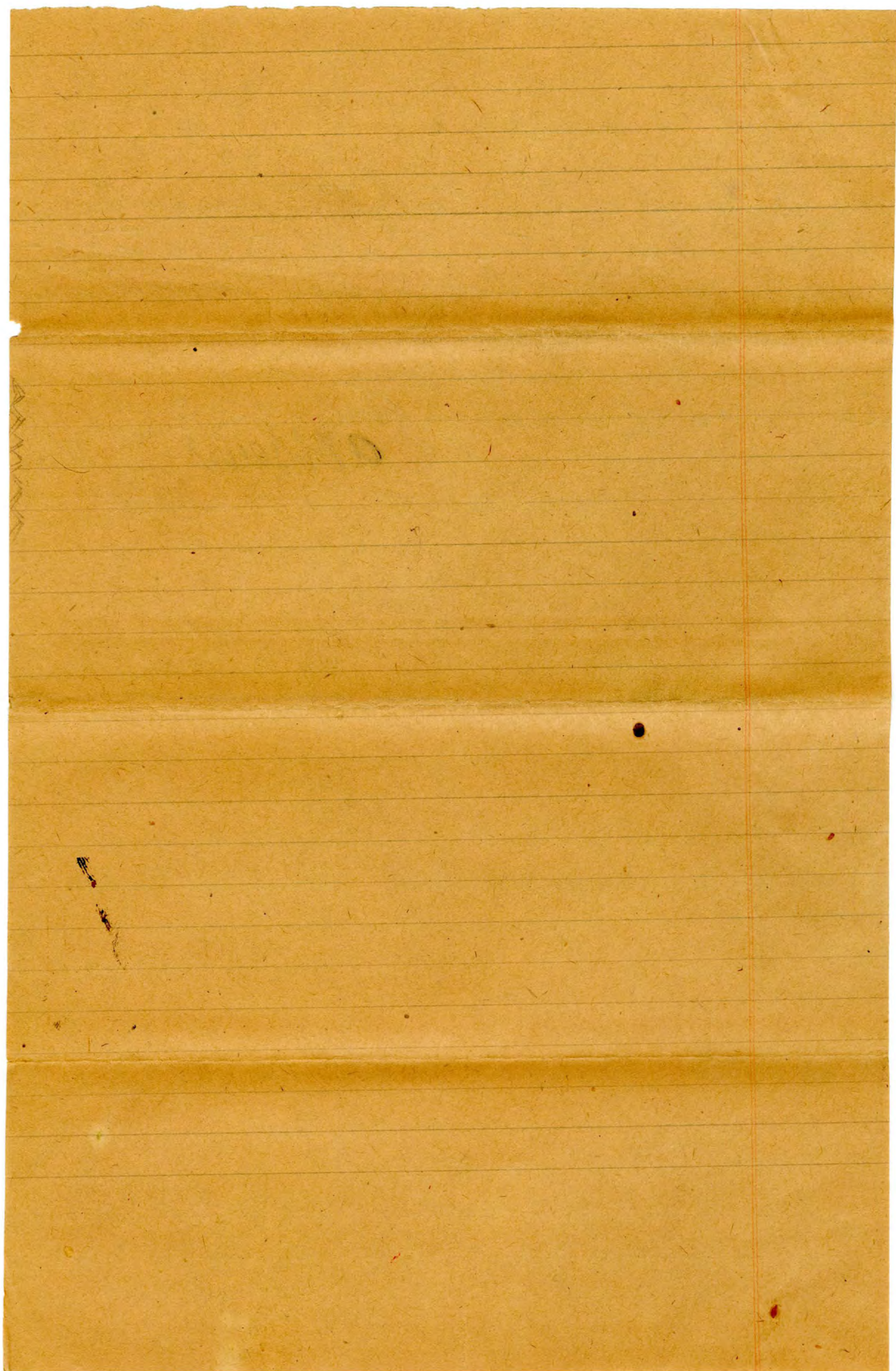
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one in my said County Buen Carpio  
and made oath that the state-  
ments of the foregoing petition  
are true.

Given under my hand this  
20<sup>th</sup> day of December 1923

W. Lewis N.P.







Ref

The jury are instructed that it is lawful for one to have in his own home ardent spirits less in quantity at any one time than one gallon; and that the finding there of any quantity less than one gallon of ardent spirits is not sufficient ground to upon which to convict the accused.

Ref

The jury are instructed that they cannot find the accused guilty of the selling of ardent spirits ~~nor~~ on proof that he had in his home, less than one gallon of ardent spirits and that his ~~that~~ there were also ~~other~~ ~~one~~ ~~or~~ ~~more~~ empty containers there, appearing to have formerly held ardent spirits, and that his general reputation as a violator of the prohibition law ~~is~~ was but proof of the alleged offense, without ~~to~~ some evidence of an actual sale <sup>or sales</sup> of ardent spirits by him within one year next prior to ~~the~~ his indictment.



Com -  
as -  
            
R. E. Corpus

Returned



Com. vs. C. E. Carper

The Com. expects to prove  
that the above defendant is guilty  
of unlawful possession, storing up for sale  
and dispensing ardent spirits, having had in  
his possession in his home ~~at~~ <sup>in</sup> machine liquor.

J. W. Allen, Com. Atty.

12/20/23.







Com vs Cooper

J. R. Brown

W. H. Hyslop

~~J. S. Sharps~~

~~R. N. Rhodes~~

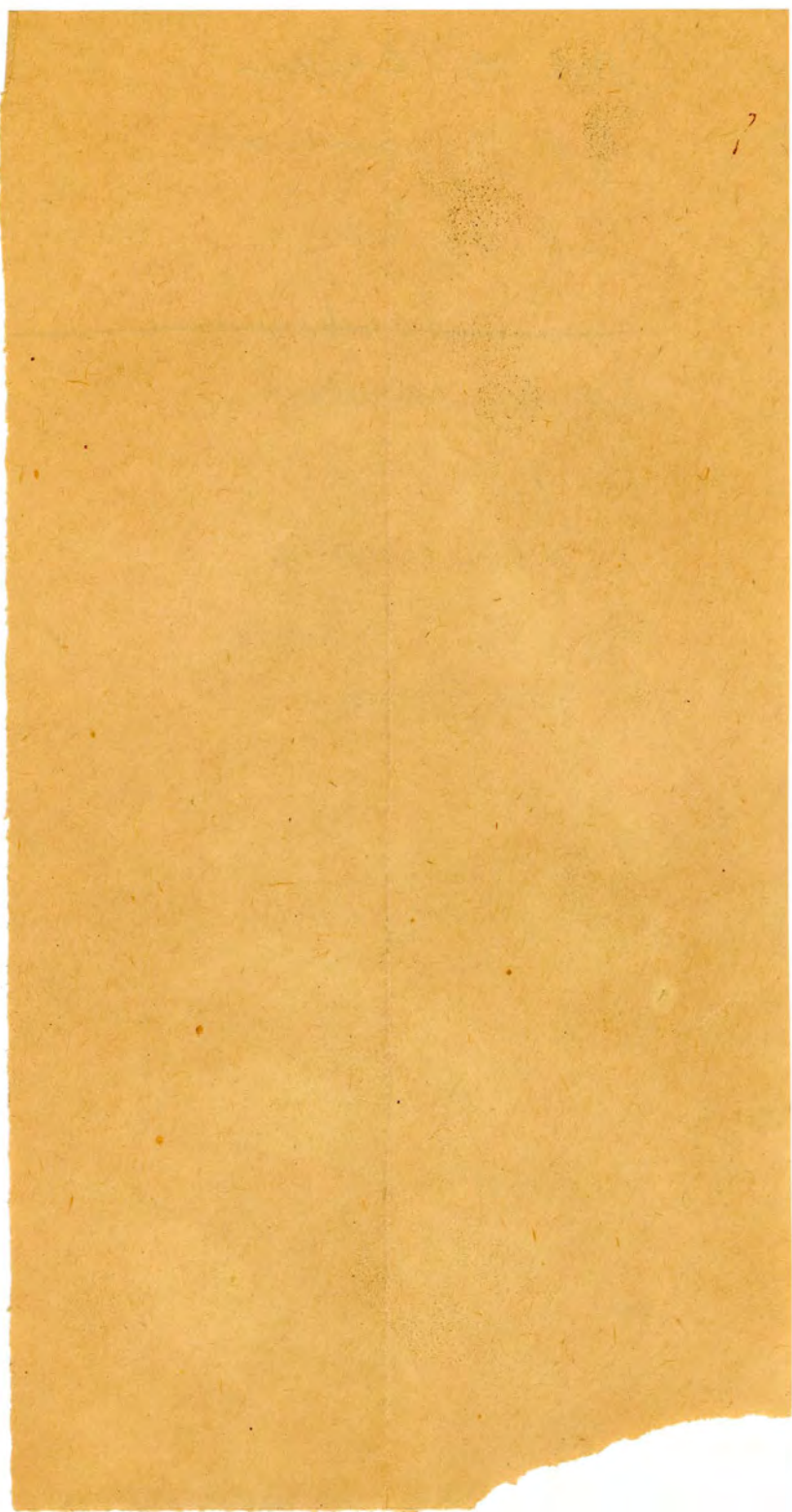
B. F. Zuercher

Wm Brown

J. E. Swank

— — — — —







The first C. E. Casper's Punishment  
3 Months in Jail and \$100.<sup>00</sup>

fine

C. J. Dyche  
Foreman



Lucy Basson -

*[Faint, illegible handwriting on aged, yellowed paper]*



204

S.P. Bowman	2.30
L.G. Hyslop	3.30
B.F. Guitale	3.40
Wm. Bowers	2.20
Geo. E. Swank	3.50
	<hr/>
	14.70
J.S. Shapin	1.80
H.H. Barber	3.00
	<hr/>

December Term 1923  
 " C.E. " # 52  
 Buck Casper

ads Indictment for a Misd.

Commonwealth

mit - 8.50

Sheriff Fee	
Search Warrant	1.00
Arrest	1.50
Prison Fee	10.00
Grand Jury	1.50
Judge Case	3.00
Grand Jury	1.50
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Execution Fee 2.00	18.50



20-4416

