

Commonwealth of Virginia } To-wit:

City or County of Rockingham

In the Circuit Court of the County of Rockingham

First Count

BE IT REMEMBERED That D. W. Earman, Attorney for the Commonwealth for the said county of Rockingham, and who for the said Commonwealth prosecutes in this behalf, in his proper person comes into the said Court on this the 17th day of April, in the year 1923, and upon the complaint in writing, verified by the oath of W. T. Rexrode, a competent witness, gives the said Court here to understand and be informed that Dan McAlister, on the 15th day of April, in the year 1923, in the said county of Rockingham, did unlawfully have in his possession four gallons of ardent spirits (moonshine liquor)

against the peace and dignity of the Commonwealth of Virginia.

Second Count

And the Attorney for the Commonwealth aforesaid, who prosecutes as aforesaid, in the name and by the authority aforesaid, and upon the complaint in writing aforesaid, further gives the said Court to understand and be informed that said on the day of, in the year 192, in the said of, did unlawfully

against the peace and dignity of the Commonwealth of Virginia.

Third Count

And the Attorney for the Commonwealth aforesaid, who prosecutes as aforesaid, in the name and by the authority aforesaid, and upon the complaint in writing aforesaid, further gives the said Court to understand and be informed that said on the day of, in the year 192, in the said of, did unlawfully against the peace and dignity of the Commonwealth of Virginia.

D. W. Earman

Attorney for the Commonwealth.

VIRGINIA:— City of Harrisonburg, To-wit:

This day W. T. Rexrode personally appeared before me Pauline M. Andrus a notary public for the city of Harrisonburg, Virginia, and made complaint and information on oath that Dan McAlister within twelve months prior to this date, to-wit on the 15th day of April, 1923, in the county of Rockingham:

- 1.—Manufactured undistilled ardent spirits;
2.—Sold ardent spirits;
3.—Transported ardent spirits;
4.—Owned and had in possession a still, still cap, worm, tub, fermenter, and other appliances connected with a still, and mash and other substances capable of being used in the manufacture of ardent spirits;
5.—Unlawfully possess ardent spirits.

Sworn to this 17th day of April, 1923.

Pauline M. Andrus

W. T. Rexrode

Sworn to this 17th day of APRIL 1923.

Charles M. DeLoach

2.—Unlawfully possess ardent spirits;
manufacture of ardent spirits;

appliances connected with a still, and mash and other substances capable of being used in the man-

4.—Owned and had in ~~possession~~ possession a still, still cap, worm tub, fermenter, and other

3.—Transported ardent spirits;

2.—Sold ardent spirits;

1.—Manufacture of undistilled ardent spirits;

in the COUNTY of ROCKINGHAM

within twelve months prior to this date to-wit on the 17th day of APRIL 1923,

complaint and information on oath that Ben McAllister

HEREBY PLEADS for the CITY of HARRISBORO, Virginia, and made

THIS DAY W. W. FRETWELL personally appeared before me Benjamin W. Applegate

VIRGINIA:—CLERK of HARRISBORO To-wit:

Attorney for the Commonwealth.

Benjamin W. Applegate

and dignity of the Commonwealth of Virginia.

on the _____ day of _____ did unlawfully _____

the said Court to understand and be informed that said _____ in the Year 1923, in the said _____ against the peace

name and by the authority aforesaid, and upon the complaint in writing aforesaid, further gives

Commonwealth of Virginia

vs. } MISDEMEANOR

Daw McAllister

Information for Violation Prohibition Law.

Witnesses:

H. J. Rexrode

G. A. Lawson

G. 1ms + 50.00

Filed _____ 1923

_____ Clerk.

By _____ D. C.

informed that Ben McAllister, on the 17th day of APRIL 1923, a competent witness, gives the said Court here to understand and be
in the year 1923, and upon the complaint in writing, verified by the oath of
the said ROBERT of ROCKINGHAM, and who for the said Commonwealth prosecutes
BE IT REMEMBERED that D. W. FRETWELL Attorney for the Commonwealth for
in the County of ROCKINGHAM Court of the COUNTY of ROCKINGHAM

Commonwealth of Virginia } To-wit:

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 15 day of April, 1933
Dan McAllister, principal and W. A. Leeth
surety, who justified to his sufficiency, came before me, Shaffer L. DeWitt
Bail Commissioner, of the said County of Rockingham,
(J. P. or Bail Commissioner)
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of
Five Hundred Dollars, (\$ 500.00),
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 waved their homestead exemption to their re-
cognizance; yet upon this condition:

That if the said Dan McAllister shall personally appear before
the Circuit Court of Rockingham County, at the Courthouse of said County, on the 1 day of the
April-1933 Term thereof, being the 17 day of April,
1933, 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
misdemeanor whereof the said Dan McAllister 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 15 day of
April, 1933.
Shaffer L. DeWitt
(J. P. or BAIL COMMISSIONER)

Commonwealth of Virginia
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 15 day of April, 1933,

John M. Alister, principal and
Joseph J. [unclear], came before me,
of the said County of Rockingham,

and acknowledged themselves to be indebted to the Commonwealth of Virginia in the sum of
Five Hundred Dollars (\$500.00)

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 waved their homestead exemption to their
estate; yet upon this condition:

That if the said
the Circuit Court of Rockingham County, at the Courtroom of said County, on the 17 day of
April - 1933 Term thereof, being the 17 day of

1933, and at such other time or times to which the proceedings may be continued, further
heard, and before any court or judge hereafter having or holding any proceeding connected with

the said charge, and then and there answer the Commonwealth of Virginia concerning a certain
instrument executed and attested the said

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 15 day of

April, 1933
Joseph J. [unclear]
(Bail Commissioner)

John M. Alister
\$ 500.00
1st Day April
1933 Term
Circuit Court

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 W. S. Ryrode State Inspector of the said City County

has this day made complaint and information on oath before me, A. Schupp, Justice

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, at building Premises

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

by one Wm McAllister

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 Wm McAllister

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

in a certain Dwelling house at building Premises

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 8th day of April 1933

A. Schupp (SEAL)
Justice of the Peace
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 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 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 21½, 22, 23, 23½, 57 and 57½, Acts of Assembly, 1918, Page 578.

WARRANT TO SEARCH FOR ARDENT SPIRITS, ETC.

Commonwealth of Virginia

vs.

Dan. McCallister

Executed the within warrant this *15th* day of *April*, 19*33*, 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 others things seized

4 gallons of liquor.

Given under my hand this *15th* day of

April, 193*3*.
H. J. Rexrode,
State Prob. Inspector.
Title

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

G. A. Lawson,

Other than above stated the following are witnesses:

This matter set for hearing on the _____ day of _____, 193_____.

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 _____, 193_____.

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 _____, 193_____.

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.

Sumner Witness 1.00
Com Fee 50
1.50

Information APR

1933

#1114

COMMONWEALTH

v.) Misdr. (Pro.) (poss.)

DAN McALISTER

\$ 1.00 + 50.00

4/15/33



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