VIRGINIA, County of Rockingham, to-wit:

This day B.O. Cooper personally appeared before me, J.F. Blackburn U.S. for the County of Rockingham Virginia, and made complaint and information on oath that _____ Albert May within twelve months prior to this date, to-wit, on the 29 day of August, 1931,

~~1. Manufactured undistilled ardent spirits;~~

~~2. Sold ardent spirits;~~

~~3. Transported ardent spirits;~~

~~4. Owned and had in ___ possession a still, still capy, 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.~~

Unlawfully operated an automobile while under the influence of ardent spirits.

Sworn to this 2 day of October, 1931.

J.F. Blackburn
U.S.

COM OF VIRGINIA

VS

Albert May

Information for Violation
Prohibition Law.

Copies

Witnesses:

D. O. Cooper
Jesse Mayes
Earl Fink
Foster Seemes
M. J. Hoover
Stanley Mathias

D. W. Eacum
Commonwealth's attorney

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 30th day of August, 1931 Albert May, principal and Dowdan Fawley surety, who justified to his sufficiency, came before me, Shelby L Decker 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 Commonwealth of Virginia rendered, and they each severally waved their homestead exemption to their recognizance; yet upon this condition:

That if the said Albert May shall personally appear before the Circuit Court of Rockingham County, at the Courthouse of said County, on the 1st day of the Oct. 1931 Term thereof, being the 19th day of Oct., 1931, 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 Albert May 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; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 30 day of Aug, 1931.

Shelby L Decker
(J. P. or BAIL COMMISSIONER)

Albert May

$500.00

Fourth Day Oct.

1931 Term.

COMMONWEALTH OF VIRGINIA

COUNTY OR ROCKINGHAM, to-wit:

In the Circuit Court of the County of Rockingham:

BE IT REMEMBERED, That D.W. Tauman, Attorney for the Commonwealth for the said County of Rockingham, and who for the Commonwealth prosecutes in this behalf, in his proper person comes into the said Court on this the 20 day of October, in the year 1931, and upon the complaint in writing, verified by the oath of B.O. Cooper, a competent witness, gives the said Court here to understand and be informed that Albert May on the 29 day of August, in the year 1931, in the said County of Rockingham, did unlawfully operate an automobile while under the influence of ardent spirits against the peace and dignity of the Commonwealth of Virginia.

First 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 1931, in the said County of Rockingham, did unlawfully _____ _____ 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 1931, in the said _____ of _____, did unlawfully _____ _____, against the peace and dignity of the Commonwealth of Virginia.~~

Third Count

D.W. Tauman

Attorney for the Commonwealth

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of the County of Rockingham:

BE IT REMEMBERED, That _____, Attorney for the Commonwealth for the said _____ of _____, and who for the Commonwealth prosecutes in this behalf, in his proper person comes into the said Court on this the _____ day of _____, in the year 1931, and upon the complaint in writing, verified by the oath of _____, a competent witness, gives the said Court here to understand and be informed that _____ on the _____ day of _____, in the year 1931, in the said County of Rockingham, did unlawfully _____ _____ against the peace and dignity of the Commonwealth of Virginia.

First 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 1931, in the said _____, did unlawfully _____ _____ 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 1931, in the said _____, did unlawfully _____ _____ against the peace and dignity of the Commonwealth of Virginia.

Third Count

_____

Attorney for the Commonwealth

We the Jurors find Albert May
Not Guilty of the Charge of
Selling his Much while
under the influence of ardent
Spirits

S. R. Shoemaker
Foreman

INS. .TION NO.___

The Court instructs the jury that they are the sole judges of the credibility of the witnesses, and that in determining the weight to be given to the testimony of the different witnesses they are authorized to consider their interest in the result of the case, if they have any; their relationship to the parties concerned; their temper, feeling, or bias, if any has been shown; their demeanor while testifying; their intelligence; their means of information; the reasonableness or unreasonableness of their statements; and all other circumstances appearing on the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances the jurors think they are entitled to

INSTRUCTION NO.____

The Court instructs the jury that they are the judges of the credibility of the witnesses, and that in determining the weight to be given to the testimony of the different witnesses they are authorized to consider their interest in the result of the case, if they have any; their relationship to the parties concerned; their temper, feeling, or bias, if any has been shown; their demeanor while testifying; their intelligence; their means of information; the reasonableness or unreasonableness of their statements; and all other circumstances appearing on the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances the jurors think they are entitled to.

The jury are instructed that the test of intoxication is not the ability of a driver to operate an automobile with safety to himself and others, but whether while driving he is under the influence of intoxicants, which is a fact to be determined by the jury from the evidence in the case; and the jury are further told that any one who has drunk enough ardent spirits to so affect his manner, disposition, speech, muscular movements or general appearance or behavior, as to be apparent to observation, is in contemplation of the prohibition act, intoxicated.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Jesse Moyers, B. O. Cooper, Foster Sievers,
Stanley Mathias, Arthur Fink

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 26 *day of* February 19 32, *to testify and the truth to say in behalf of the Commonwealth against*

Albert May

who stands charged with and indicted for a ~~felony~~ misdemeanor.

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

Witness, J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 10 *day of* Feb. 19 32, *and in the* 156th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

P & L. PRESS, HARRISONBURG, VA

Executed feb 15 1932 by delivering a true copy of the within summon to Jesse Moyers B O Cooper Fannie Sievers Stanly Mathias arthur Fink

each in person. Jesse W Moyers D S for C R Fiawley S.R.C

Commonwealth

v

Albert May

1932 Feb. 26

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Earnest Hoover, Norman Farley, Albert Carickoff, Blain Dean, Brown Hoover, Lester Garber and Frank Mill

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 26 *day of* Feb *1932 to testify and the truth to say in* ***behalf of the Defendant*** *in the prosecution of the Commonwealth, plaintiff, against* Albert May

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. Paul Snyder, *Clerk of our said Court, at the Court House, the* 18 *day of* Feb *1932 and in the* 156 *th year of the Commonwealth.*

J. Paul Snyder, *Clerk.*

News-Record, Harrisonburg, Va.

Executed Feb. 24, 1932. by delivering a true copy

of the within summon to Ernest Dove

Dorman Fawley Albert Caiscoe Blam Carr

Brown Dove Frank Witt Lester Garber

B. J. Cooper Deputy Sheriff

each in person. for Chas. R. Fawley S.R.C.

Albert Mary

Ecks

Conn -

To Ref. 26-1932

A. R. Shoemaker
J. M. Simmons
R. M. Long
E. P. Long
Herman Lagunca

Sheriff cost
arrest $10.00
Summoning witness 6.00
Jury 1.50
Ann Jel .00
$18.00

#939

(Information)

FEB 1932

COMMONWEALTH

Feb. 26

V. Misdr. (Pro.) OC

ALBERT MAY

Jail 2 days

Not guilty

ALVAH BUSHNELL COMPANY
Bushnell
PHILADELPHIA, PA.

31 60