

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 Oliver J. Heatwole 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 D. W. Shifflett, C. R. Fawley, and E. J. Dillard, witnesses sworn in court and sent before the grand jury to give evidence.

We the jury find the accused, Oliver J. Heatwole,  
not guilty.

Edmund J. Farnum

COURT OF VIRGINIA

COURT OF ROCKINGHAM, VIRGINIA

Viol. Pro. Act

COMMONWEALTH

v.

OLIVER J. HEATWOLE

A MISDEMEANOR

A TRUE BILL

G. B. Eastham  
FOREMAN

Sept. 21, 1930

D. W. EARMAN,  
COMMONWEALTH'S ATTORNEY

In court and sent before the Grand Jury to give evidence.  
D. W. Childress, C. B. Fowler, and A. J. Dillard, witnesses sworn  
This indictment is found on the testimony of  
peace and dignity of the Commonwealth of Virginia.  
articles and receive orders for ardent spirits, against the

Commonwealth of Virginia, }  
Rockingham County, } To-wit:

BE IT REMEMBERED that on the 6th day of September 192 3,

Oliver J. Heatwole and S. M. Lilly-

came before me J. W. Keiter a Justice  
of the said county of Rockingham, and severally and respectively acknowledged themselves to be in-  
debted to the Commonwealth of Virginia, in manner and form following, that is to say: the said

Oliver J. Heatwole in the sum of  
Five Hundred - - - - - Dollars,

good and lawful money of the United States, and the said S. M. Lilly  
in the sum of Five Hundred - - - - - Dollars of like good and lawful money, 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, and also waived any  
claim or right to discharge any liability to the Commonwealth arising under this recognizance with  
coupons detached from the bonds of this State, to the use of the Commonwealth of Virginia if the said

Oliver J. Heatwole shall make default in the performance of the  
conditions underwritten.

The condition of the above recognizance is such that if the above bound  
Oliver J. Heatwole do and shall personally appear before the Circuit  
Court of Rockingham on the first day of the October - - - - - Term next  
thereof, being the 15th day of October 192 3, at the Court-house thereof,  
and then and there answer a bill of indictment to be preferred to the Grand Jury in and for said  
County against him the said Oliver J. Heatwole

for a Misdemeanor by him committed, for unlawfully and ~~Arduously~~  
Manufacturing, storing for sale, barter, gift or use, ardent  
spirits in violation of law-

whereof the said Oliver J. Heatwole stands charged, and shall not  
depart thence without the leave of said Court, then the above recognizance shall be void and of no  
effect, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the day and year first above written.

J. W. Keiter

*J. M. [Signature]*

taken and acknowledged before me this 24th day and year above written.

whereof the said Oliver J. Heatwole stands charged and shall not

apprise in violation of law.

Manufacturing, excise for sale, paper, silk or use, agents

for the [unclear] for him committed, for unlawfully and [unclear]

Oliver J. Heatwole

and then and there answer a bill of indictment to be preferred to the Grand Jury in and for said  
thereof, being the 12th day of October 1852, at the Court-house thereof,  
County of Rockingham on the first day of the October Term next

do and shall personally appear before the Circuit

and shall make default in the performance of the

COMMONWEALTH  
VS  
OLIVER J. HEATWOLE.

(RECOGNIZANCE.)

shall make default in the performance of the  
in the sum of Five hundred Dollars of like kind and lawful money, to be  
respectively made and paid of their several bonds and chattels, lands and tenements, and they

Five hundred

Oliver J. Heatwole

defined to the Commonwealth of Virginia in manner and form following, that is to say: the said  
of the said County of Rockingham, and severally and respectively acknowledged themselves to be in-  
come before me J. W. Kester a Justice

Oliver J. Heatwole and E. M. Lilly

the 1st instant that on the 24th day of September 1852

Commonwealth of Virginia, } To-wit:  
Rockingham County,

Commonwealth of Virginia---City, County of,

to-wit

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

has this day made complaint and information on oath before me, J. W. Keeter Justice Name of Magistrate. 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 Out Building on the premises (Here insert description of the place, house, room, or boat, as the case may be) by one Oliver J. Keatevale (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 Oliver J. Keatevale (Give name, or say, "Whose name is to the informant unknown") in a certain on his premises (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 complaint has been made by different persons which warrants the belief above stated

This is to certify that I have this day issued a search warrant to search the said Dwelling Out Building (Here say place, house, room, boat, and premises auto or baggage, or as the case may be)

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

Given under my hand this 3rd day of Sept 1923

J. W. Keeter  
Justice of the Peace  
Title of Magistrate.

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

Commonwealth of Virginia

vs.

*Oliver J. Heatwole*

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.

117-01

Commonwealth of Virginia--City, County of

*Handwritten notes and signatures on the left page, including a signature that appears to be "Oliver J. Heatwole" and other illegible text.*

*Handwritten notes and signatures on the right page, including a signature that appears to be "Oliver J. Heatwole" and other illegible text.*

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

**To the Sheriff of Rockingham County, Greeting:**

You are hereby commanded to summon.....

D. W. Shufflett, C. J. Dillard,  
C. W. Lawley, W. T. Repmode,  
Eric Heatwole, S. A. Canipe  
Homer Plaugher, Walter Hedrick  
William Fleming

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 21 day of Nov. 1923 to testify and the truth to say in behalf of the Commonwealth against.....

O. J. Heatwole  
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 16 day of Nov., 1923 and in the 148<sup>th</sup> year of the Commonwealth.

J. F. Blackburn, Clerk.

Commonwealth

v

O. J. Nease

Stamp Fee 4.00

SHERIFF FEE

Nov. 21, 1923

Executed by delivering a copy of  
this instrument to E. M. W. Nease,  
J. H. Davis, W. H. W. Nease, and  
William Fleming, Nov 21, 1923,  
for J. L. Dickson, S. C. C.



COMMONWEALTH OF VIRGINIA,  
COUNTY OF ROCKINGHAM, To-wit:

To the Sheriff of said County:

Whereas..... D. W. Shiflett ..... of the said  
County has this day made complaint and information on oath before me, .....  
J. W. Keiter-....., a Justice of the Peace of said County, that he has cause to be-  
lieve 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 on the.....  
premises of Oliver Heatwole-..... in the County of Rockingham, Virginia, and  
occupied by..... the said Oliver Heatwole-.....

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  
County to answer the said complaint and to be further dealt with according to law.

Given under by hand this 3rd day of September....., 1925

J. W. Keiter  
Justice of the Peace.

Commonwealth  
VS  
Oliver J. Heatwole.

Sept 6<sup>th</sup> 1923,  
At Harrisonburg. Va.

The within case this day heard before me and the Defendant found guilty as charged in warrant, and recognized in the sum of \$500.00 with S. M. Lilly as Surety for his appearance before the Circuit Court of rockingham County on the first day of the next term.

Signed

*J. W. Keiter J. P.*

SEARCH WARRANT

COMMONWEALTH

vs.

*Oliver J. Heatwole*

Recognized in the sum of \$500.00 with H. W. Rohr, Surety for a hearing before J. W. Keiter J. P. at Harrisonburg on the 6th day of Sept 1923, at 2 o'clock, P. M.

*J. W. Keiter J. P.*

*Justice \$3.00  
Fees \$4.50*

*Executed - Sept 5-1923  
By searching the within described  
property finding the within described  
contents 1 1/2 to 2 gal of gas  
oil in the tank about 100 yds from  
the farm also one 1/2 gal fuel oil  
canister on an adjacent farm  
by a party Oliver Heatwole &  
Harrisonburg Va. W. Keiter J. P.*

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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*D. W. Shifflett, C. R. Fawley, & C. J. Willard.*

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.*  
*Olevis J. Heatwole.*

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>*th*</sup> year of the Commonwealth.

*J. F. Blackburn*, Clerk.

Come.

<sup>vs.</sup>  
Oliver J. Sealwale.

Executed on all of the within  
Manned Persons Oct 11 - 1923  
WZ Dulles 1822

100

SEARCHED INDEXED

October Term 1923  
Oliver J. Neatwale  
vs Indictment for a Misdemeanor  
Commonwealth

Verdict  
not guilty

Sheriff Costs  
Search Warrant 100  
Arrest 150  
Pam Fee 1000  
Grand Jury 150  
Inile Cost 400

Ex Fee 200  
Jail Fee none

\$18.00

SHERIFF FEE

C. J. Mott  
J. F. Brock Earman  
O. W. Wine  
Geo. E. Shue  
J. H. Liskay



20-4446