

1058

Jury List For December Session, 1948

State vs. Thomas G. Morgan

NO. NAME OCCUPATION RESIDENCE

- ~~1. BROOKS BUSH, SR., School Bus Driver, Crossroads D'~~
- 2. HAROLD STUART, Presser, Bay Minette
- 3. R. HAROLD AGEE, Merchant, Foley
- ~~4. GEORGE A. LYBENE, Farmer, Silverhill D'~~
- 5. J. C. WINN, Farmer, Summerdale
- 6. GUST RIEMER, Farmer, Elberta
- ~~7. GEORGE K. PAGE, Clerk, Robertsdale S'~~
- ~~8. R. N. STANTON, Farmer, Robertsdale~~
- 9. BARNETT B. LARRIMORE, Merchant, Robertsdale
- 10. NORMAN McENNIS, Supt. Mill Co., Stockton
- ~~11. WILTON A. RACINE, Clerk, Robertsdale D'~~
- ~~12. JACK JONES, Merchant, Bay Minette~~
- 13. JAMES T. BRADLEY, Merchant, Bay Minette
- 14. JOHN SCHENK, Farmer, Elberta
- ~~15. JULIUS P. ULRICH, Laborer, Elberta D'~~
- ~~16. ROBERT GREEN, Shipyard, Fairhope S'~~
- ~~17. AXEL RUNDQUIST, Insurance, Silverhill D'~~
- ~~18. ARTHUR SHAWSON, Farmer, Belvoir~~
- ~~19. MALVERN IRWIN, Farmer, Gateswood~~
- 20. GILBERT COOPER, Farmer, Rosinton D'
- ~~21. TED W. COOPER, Farmer, Rosinton D'~~
- ~~22. CHARLES J. EBERT, Real Estate, Foley D'~~
- ~~23. ANTON B. HANKENS, Farmer, Rosinton~~
- ~~24. FLOYD BOONE, Farmer, Gateswood~~
- ~~25. J. C. MORRIS, Farmer, Gateswood~~
- 26. HENRY E. YENNE, Farmer, Point Clear
- ~~27. RALPH GANTT, Farmer, Little River S'~~
- ~~28. Y. A. COX, JR., Store Work, Stockton S'~~
- ~~29. JOHN BLOCHT, Farmer, Elberta D'~~
- ~~30. BRUCE WILLIS, Forester, Mifflin D'~~
- ~~31. MARVIN BERGLIN, Creamery, Fairhope S'~~
- ~~32. HARRY HEAD, Ship Yard, Stapleton~~
- 33. JACK ROBERTSON, Farmer, Bay Minette
- ~~34. J. ARTHUR BRYARS, Farmer, Stockton~~
- ~~35. GRADY FAIRCLOTH, Merchant, Magnolia Springs~~
- 36. VIRGIL V. RHODES, Farmer, Bay Minette
- ~~37. BLAINE DICKMAN, Farmer, Bay Minette D'~~
- ~~38. CHESTER A. STAPLETON, Merchant, Bay Minette~~
- ~~39. WILLIAM A. MILLER, Barber, Bay Minette~~
- ~~40. PIERCE HOLMES, Electrician, Stockton~~
- ~~41. ORRIE COCHLAN, Stockman, Tensaw S'~~
- ~~42. FRANCIS B. SMITH, Merchant, Tensaw S'~~
- ~~43. DOCK GANEY, Farmer, Fensow~~
- 44. J. CLEO BOOTHE, Carpenter, Fairhope
- ~~45. WOODROW BISHOP, Farmer, Fairhope D'~~

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THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 105-8

Term Dec, 1948

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

Paul E. Utter,

Silver Hill,

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 7th day of Dec, 1948, at 8:30 a. m., and from day to day of said term, and from term thereafter until discharged, to give evidence and the truth to speak in behalf of THE STATE in a prosecution now pending in said Court, wherein the State

of Alabama is Plaintiff and

Thomas E. Morgan

Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 27th day of Nov A. D. 1948 M. R. S. DUCK, Clerk.

✓

Received in office 11.26., 1948

Executed this 12-3, 1948

By Henry in full

ORIGINAL

For _____

No. 1058 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs

Thomas E. Morgan

STATE SUBPOENA

Issued this 27th day of

Nov, 1948

Jaylen Wrekin
O. H. Z. Hall Sheriff
H.S.

Deice J. Kouch
Clerk.

Refused
J. M. Hall
Judge

1.

The Court charges you gentlemen of the jury that if you believe the evidence in this case you must acquit the defendant.

Refused
F. W. Hare, Judge

2.

The Court charges the jury that if you believe the evidence in this case then you cannot find the defendant guilty of the crime of manslaughter in the first degree.

The Court charges you gentlemen of the jury that if you believe the evidence in this case then you cannot find the defendant guilty of the crime of manslaughter in the second degree.

Refused
J. W. Hare, Judge

The Court charges the jury that before you can convict the defendant you must unanimously agree that the defendant is guilty beyond all reasonable doubt and to a moral certainty of the crime charged in the indictment.

Given
F. W. Hare, Judge

5.

The Court charges the jury that the burden is upon the State of Alabama to prove beyond a reasonable doubt and to a moral certainty the offense contained in the indictment.

Sinner
F. W. Hart, Judge

The Court charges the jury that the defendant in this case is presumed to be innocent and that the burden is upon the State of Alabama to prove beyond a reasonable doubt and to a moral certainty that the defendant is guilty of the offense as charged in the indictment.

Simon F. Hall, Judge

*Simon
L. Hare
Judge*

7.

The Court charges the jury that the defendant is presumed to be innocent until the offense as charged in the indictment is proved against him, in all its material circumstances, beyond all reasonable doubt and to a moral certainty.

THE STATE OF ALABAMA, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:
An indictment having been found against

Thomas E. Morgan

at the November Term, 1948, of the Circuit Court of Baldwin County, for the offense of
Manslaughter, First Degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ accord-
ing to law

Dated this 4th day of November, 1948.

W. J. H. H. H.
Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
Baldwin County

We, _____, as principal and

the other undersigned as sureties, agree to pay the State of Alabama _____

Dollars, unless the said _____ appears

at the _____ Term of the Circuit Court of Baldwin County, and from Term to

Term thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions al-
lowed us by the Constitution and Laws of Alabama.

Witness our hands and seals this _____ day of _____, 194_____.

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

Taken and approved _____ day of _____, 194_____.

Sheriff of Baldwin County.

THE STATE OF ALABAMA
Baldwin County

We, Thomas E. Morgan, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Five hundred & DOLLARS unless the said Thomas E. Morgan appear at the Term, 194 of the Circuit Court of Baldwin County, Alabama, and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of Manslaughter

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the _____ day of _____, 19____, Baldwin County, Ala.

Thomas E. Morgan (Seal)
W. F. Hapley (Seal)
Ray J. Shapard (Seal)
Alvin S. Thomas (Seal)
Ray J. Shapard (Seal)
Now No 48
Saylor Wilkins, Sheriff

Taken and approved this the 22 day of _____

By _____, Deputy Sheriff

No.

The State of Alabama,
BALDWIN COUNTY

..... COURT

SHERIFF'S OFFICE

The State

vs.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed, 19.....

....., Clerk

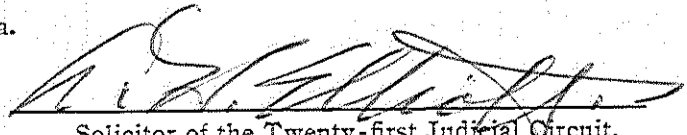
THE STATE OF ALABAMA, }
Baldwin County }

Circuit Court, Fall Session ~~1947~~ 1948

The Grand Jury of said County charge that before the finding of this indictment

Thomas E. Morgan unlawfully and intentionally, but without malice, killed George Barnes by driving a motor vehicle over, on, or against an automobile in which the said George Barnes was riding,

against the peace and dignity of the State of Alabama.



Solicitor of the Twenty-first Judicial Circuit.

RECORDED

No. _____

The State of Alabama,

BALDWIN COUNTY

CIRCUIT COURT

Fall Session ~~Term~~ 194 ⁸

THE STATE
vs.

Thomas E. Morgan

INDICTMENT

Manslaughter, First degree

No _____ Prosecutor.

WITNESSES:

Bryant Hudson

Mrs. George Barnes

F. A. McLaughlin

Henry F. Apfelback

A. D. Lambert

GRAND JURY NO. 70

A TRUE BILL

W. M. McLean

Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 4th day of

Nov, 1948

W. J. Leuck Clerk

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 17 other Grand Jurors.

W. J. Leuck
Clerk.

Bail fixed \$ 500.00

A. M. Stare
Judge.

*find the defendant
With Jury Not Guilty as charged.*

*Thomas M. Morgan Jr.
Juror*

THE STATE OF ALABAMA }
Baldwin County. }

CIRCUIT COURT

SUB. No. _____

Case No. 105-46

Term. dec, 1946

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon George Hudson Mrs George
Hudson F.A. Mc Laughlin Henry Fapfebeck
a. d. Lambert J.S. Linnell J.R. Tidwell

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the _____ day of _____, 193____, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE STATE in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and _____

Thomas C Morgan Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this _____ day of _____ A. D., 193____. Mrs. R. S. DUCK, Clerk.

1058 ✓

Received in office 11-26, 19348

Executed this 12-3, 19348

By Henry in full

Laura Wickin
John B. Galt Sheriff.
O 11 1934 S.

ORIGINAL

For _____

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

STATE SUBPOENA

Issued this _____ day of

_____, 19348

Clerk.