

State vs John Graham

JURY LIST, SECOND WEEK

Spring Term, April 4th, 1949

No.	Name	Occupation	Address
1	W. H. Fletcher	postal clerk	Bay Minette
2	Edmond Clay McGowan	farmer	Latham 57
3	J. D. Little	farmer	Lottie 197
4	W. J. McKenzie	farmer	Magnolia Springs
5	Turpin Bankster	railroad emp.	Robertsdale 104
6	Riley Weeks	carpenter	Foley
7	Wallace Parker	mill	Stockton
8	Charles Coghlan	logging	Latham
9	Frank E. Sanders	banker	Foley 421
10	Louis Lysek	carpenter	Magnolia Springs
11	Ernest M. Howell	Utilities	Foley
12	John P. Bertolla	farmer	Loxley
13	Thomas Hawkins	bookkeeper	Bay Minette 93
14	Hurley Ard	farmer	Robertsdale
15	Silas D. Powers	farmer	Don Secom 235
16	Claude Ruple	farmer	Bay Minette 33
17	Brad Neimier	merchant	Fairhope
18	Eugene Kocute	car dealer	Foley
19	J. Douglas Waters	farmer	Gateswood
20	John Keifer	merchant	Elberta 96
21	Holly Rains	farmer	Daphne 91
22	William J. Russell	mechanic	Daphne
23	Floyd Marshall	farmer	Robertsdale
24	Charles I. Mathews	F. C. A.	Robertsdale 92
25	Howard Brooks	barber	Robertsdale 96
26	John Murphy McMillan	mill man	Stockton
27	Harry Still	dealer	Bay Minette 54
28	Peter Malbis	farmer	Daphne
29	Louis B. Underwood	farmer	Summerdale 91
30	Mike Kaiser, Sr.	farmer	Elberta 95
31	Walter Krueger	Butane Dist.	Foley
32	Jim Henderson	carpenter	Fairhope 91
33	John Gestler	farmer	Elberta 51
34	M. C. Cooper	carpenter	Robertsdale 92
35	William Cullledge	farmer	Robertsdale 94
36	Sam Parclovi, Jr.	carpenter	Lillian
37	Henry Miller	farmer	Bay Minette 98
38	John Norris, Jr.	farmer	Foley
39	Bernard Dykema		Magnolia Springs
40	Clarence Hand	farmer	Foley 36
41	Adrian Talbot	filling station	Bay Minette 52
42	Dougal Taylor	laborer	Bay Minette 54
43	W. Darrington Hastie	timberman	Stockton
44	Edd Hall	saw mill	Raben 35
45	Phil Cooper	farmer	Rosinton
46	Frank Dusek	Defense	Lillian

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1079

Faint, illegible text, possibly bleed-through from the reverse side of the page.

SHERIFF'S APPEARANCE BOND.

Moore Printing Co.

THE STATE OF ALABAMA }
Baldwin County }

We, John Graham, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

Two Hundred Fifty DOLLARS

unless the said John Graham appear at the

Spring Term, 1949 of the Grand Jury Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law (to answer a criminal prosecution for the offense of

R. D.

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.

John C. Mabon (Seal)

B. D. Muddell (Seal)

_____ (Seal)

_____ (Seal)

Taken and approved this the 4 day of Dec 1948

Taylor Welkins, Sheriff

By Zacharie B. Goff, Deputy Sheriff

No.

The State of Alabama,
BALDWIN COUNTY

Grand Jury COURT

SHERIFF'S OFFICE

The State

vs.

John Graham

Sheriff's Appearance Bond

Amount of Bond, \$

Filed, 19

....., Clerk

GRAND JURY SUBPOENA—ORIGINAL.

Moore Printing Co., Bay Minnetto, Ala.

THE STATE OF ALABAMA, }
Baldwin County

No. 9

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

A. P. Fulton

to be and appear on the 21st day of March, 1949, before the Grand Jury of said County, at the Court House thereof, then and there to testify and give evidence on behalf of the State of Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this 25th day of Feb A. D., 1949

Alvin J. Ruck Clerk.

D. M.

ORIGINAL

No. 9

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

D. J. Sutton

this 7 day of March, 1949

Paula Wilkins, Sheriff

W. F. Hardy
D. S.

AFFIDAVIT

IN THE JUSTICE COURT OF

STATE OF ALABAMA,
BALDWIN COUNTY

Before me, T.C. Haid, Justice of Peace
in and for said County, personally appeared A. P. Sulton who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said county, on
or about 24 November 1948 that one John C. Graham

did operate a motor vehicle on the highways
of Alabama in a reckless manner

_____ against the peace and dignity of the State of Alabama _____

Sworn to and subscribed before me this 24
day of November A. D. 1948
T.C. Haid, J. P.

A. P. Sulton

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commaded to arrest John C. Graham
and bring him
before me to answer the State of Alabama on a charge
R-d.

_____ and have you then and there this writ with your return thereon _____

Witness my hand this 24 day of November, 1948
T.C. Haid, J. P.

No. 115

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THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF

T. C. Hand

AFFIDAVIT

THE STATE OF ALABAMA

vs.

John C. Graham

WITNESSES FOR THE STATE:

A. P. Fulton

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

THE STATE OF ALABAMA

vs.

John C. Graham

Executed this 24 day of Nov., 1948

By arresting the within

named Defendant

and placing him

on Bond

A. P. Fulton Sheriff

A. B. P.
Deputy Sheriff

Notice: This Bond must be signed with Ink and will not be approved if signatures are made with Pencil.

APPEARANCE BOND

THE STATE OF ALABAMA

Baldwin County

THE

Justice COURT OF *Baldwin* COUNTY
We, *John C. Graham* Principal,

Principal,

and

sureties, agree to pay to the State of Alabama

Dollars,

unless the said

John C. Graham *one hundred*

appears before the

90 Court of *Baldwin*

County on the

27th

day of

Nov 194*8*

, and from day to day, and from term to term, thereafter, until discharged by due course of law, to answer a criminal prosecution for the offense of

Drunken Driving

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama, and we hereby severally certify and solemnly swear that we have property free from all encumbrance, to the full amount of the above bond.

Witness our hands and seals this

24

day of

Nov

194*8*

Approved this the _____ day of

Nov, 194*8*

A.P. Sutton
Arresting Officer.

Sign Top Line

NAME

ADDRESS

X John C. Graham (L. S.)

(L. S.)

(L. S.)

(L. S.)

By _____

WARNING

Any person who willfully violates the above written bond, and fails to appear on the date and time set, shall be guilty of a misdemeanor punishable by fine and imprisonment regardless of the disposition of the charge above made.

[Handwritten Signature]

NO. _____

THE _____ COURT OF

_____ COUNTY

THE STATE

VS.

BOND

Filed _____

Sheriff.

By _____

Deputy Sheriff.

THE STATE OF ALABAMA
Baldwin County

Justice Court of T. C. Haid
Precinct No. 4, Bay Minette Ala.

To Any Sheriff of the State of Alabama:
You Are Hereby Commanded to Summon

A. P. Fulton

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
27 day of November, 1948, 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 John C. Graham
Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 24 day of November, A. D. 1948

T. C. Haid
Justice of the Peace, Precinct No. 4

Executed in full, this the

25 day of

Nov, 1948

Taylor Wilkins Sheriff.

Zacir B. Griffin Deputy Sheriff.

THE STATE OF ALABAMA,
Baldwin County

Circuit Court, ~~FALL~~ SPRING SESSION, 194 9

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

John C. Graham did drive an automobile upon a highway in Baldwin County, Alabama, carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in manner so as to endanger or be likely to endanger persons or property contrary to law, and

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-first Judicial Circuit.

RECORDED

No. _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

SPRING SESSION Term, 194 9

THE STATE
vs.

JOHN C. GRAHAM

INDICTMENT

RECKLESS DRIVING

NO Prosecutor.

WITNESSES:

A. P. FULTON

*We the jury find
the defendant not
guilty*
W. S. Hart
Foreman

GRAND JURY NO. 9

A TRUE BILL

Frank J. Peterson
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 23rd day of

March, 1949

Archie J. Suck Clerk

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

Archie J. Suck
Clerk.

Bail fixed \$ 25000

Jeffrey J. Madbury, Jr.
Judge

#1.

I Charge you Gentlemen of the jury that
the degree of care to be used by the
driver of an automobile upon highways
is that which a reasonably prudent and
careful man would use under like circumstances

^{Swen}
Telfair J. Mashburn, Jr. Judge.

#2. I charge you Gentlemen of the jury that the law
only requires of the Defendant to act as a
reasonably prudent and careful man would
have acted under the circumstances, and, if he
did so act, you should find the Defendant not
guilty. Given
J. Fairg. Marshall, Jr.
Judge

#3 I charge you Gentlemen of the jury that if you believe from the evidence in this case that the Defendant acted as a reasonably prudent and careful man would have under the circumstances then you should find the Defendant not guilty. Given
Jefair J. Madiburu, Jr.
Judge.

#4 I charge you gentlemen of the jury that the burden is on the state to convince you of defendant's guilt to the exclusion of every reasonable doubt, and by evidence that overcomes the presumption of fact that the law surrounds the defendant with, that he is innocent of the Crime
Sweet
Deputy of Washburn, Jr.
Judge

#5 I Charge you Gentlemen of the jury that the Defendant
enters into this trial with a presumption of
innocence, and this is a fact in the case,
which must be considered with all the evidence,
and should not be disregarded & sworn
J. Fairfax. Middlebury, Vt.
Judge

#9. I Charge you Gentlemen of the jury that
if you believe from the evidence in this case
that the defendant at the time he passed another
vehicle proceeding in the same direction he had an
unobstructed view of the highway for a distance
of 500 feet you should find the defendant
not guilty. Refused - J. M. Madley, Jr. Judge.

#8. I charge you Gentlemen of the jury the defendant
had a right to pass another vehicle proceeding
in the same direction upon a curve if the
defendants view along the highway was not
obstructed within a distance of 500 feet

Refused

J. Fair J. Marshall, Jr. Judge

#7. I charge you Gentlemen of the jury that the
Defendant had a right to pass another car
proceeding in the same direction upon a
hill if the Defendants' view along the highway
was not obstructed within a distance of
500 feet - ~~Reversed~~

Jefair J. Marbleberry, Jr. Judge.

#6. I charge you Gentlemen that if you believe from the evidence in this case that at the time the Defendant drove to the left of the center line in passing another vehicle proceeding in the same direction such left side was clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such passing in safety you should find the Defendant not guilty. ^{refused} Edward J. Madhury, Jr. Judge.

Mrs. R. S. DUCK
CIRCUIT CLERK
Baldwin County
BAY MINETTE, ALA.

Registered

~~For Delivery Only to
Person to Whom Addressed~~

~~Return Receipt Requested~~

~~MRS. CLARENCE
Post Office Box 272,
Opelika, Alabama~~

*Given Charge
John Graham*

THE STATE OF ALABAMA, }

Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

John C. Graham

at the Spring Term, 1949, of the Circuit Court of Baldwin County, for the offense of

Reckless Driving

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 according to law

Dated this 24 day of March, 1949

Wesley Duck
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 allowed 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.

1079

CAPIAS

No. 9

THE STATE

vs.

John C. Graham

Bail Fixed in This Case in Open Court at

\$500⁰⁰

By Leffair J. Mashburn
Judge Presiding.

Attest: Alice J. Duck
Clerk.

Executed this 29 day of March, 1949

By arresting the within

named Defendant

and placing him on Bond

Taylor Wehms, Sheriff

Jacene B. Giff Deputy Sheriff

SHERIFF'S APPEARANCE BOND.

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

We, John Graham, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
Two Hundred DOLLARS
unless the said John Graham appear at the
Spring Term, 1949 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
Reckless Driving

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 constitu-
tion 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.

John C. Graham (Seal)
[Signature] (Seal)
J. E. Nelson (Seal)
_____, (Seal)

Taken and approved this the 29 day of March, 1949

Taylor Wickins, Sheriff
By Zalene B. Griffin, Deputy Sheriff

No.

THE STATE OF ALABAMA,
BALDWIN COUNTY

..... COURT

SHERIFF'S OFFICE

The State

vs.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed

....., Clerk

Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No.	Vs.	R. D.
<i>Hubert Hall</i>	<i>John C. Graham</i>	

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>A. P. Fulton</i>	JUDGE'S FEES Warrant at 50c, Affidavit at 25c	75
Returnable <i>24 Nov. 1948</i>	Bond at 50c, Sci. Fa. at 50c	
Witness—For State	Witnesses' Recognizances at 25c	25
<i>A. P. Fulton</i>	Subpoena or Notice at 25c	25
<i>Affidavit taken and warrants of arrest issued and executed. Defendant's trial was set for 27 November 1948 at which time the defendant appeared and requested his case be continued to 4 December 1948. On this date the defendant appeared with a demand for trial by jury. Defendant was released upon making a bond pending his hearing before a jury.</i>	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	
	Mittimus at 25c	25
	Judgment on Forfeited Bond at 25c	
	Taking Bond, etc., on Appeal at \$1.00	1 00
	Execution of costs at 25c	25
	CONSTABLE'S FEES <i>Subpoena</i> Subpoena or Notice at 25c	1 00
	Carrying Defendant before Justice, each mile for himself and guard at 10c	50
	Arrest, -50c <i>2.00</i>	2 00
	SHERIFF'S FEES	
	Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	
	Committing, \$1.00; Releasing, \$1.00	
	Subpoenas at 25c Day's Board at 30c	50
	WITNESS FEES	
	Days at 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

A. P. Fulton
Justice of Peace

6601