THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1952-53

1 Div. 641

Mark Ganey

v.

State

Appeal from Baldwin Circuit Court

PRICE, JUDGE

Defendant was convicted for "reckless driving," an offense denounced by Section 3, Title 36, Code of Alabama, 1940, providing that "Any person who drives any vehicle upon a highway 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 a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving," etc.

The jury assessed a fine of twenty-five dollars and the court imposed an additional punishment of ninety days in the Baldwin County jail.

The evidence for the State tended to prove that for a distance of nine-tenths of a mile, between the lake bridge and the double bridges, on the old Bay Minette-Stockton road in Baldwin County, defendant bumped his automobile six times into the back of an automobile driven by John Payne, bending Mr. Payne's bumper and tearing it loose from the car. Mr. Payne testified he was driving around thirty miles an hour. defendant would drive at a rate of 50 or 55 miles an hour until he hit Mr. Payne's automobile, then he would slow down, get a new start and hit it again. The road was of the corduroy type and was rough and sandy. Each time his automobile was bumped it would zigzag across the road. It was difficult to get it straightened up and almost impossible to control it and hold it in the road. In trying to get away from defendant he passed another car and defendant also passed it, almost crowding the other automobile into the bridge.

The testimony of defendant and his witnesses was to the effect that defendant was driving behind the Payne automobile at the time and place complained of, but he was only driving 20 to 35 miles per hour and never got closer than 20 feet to Mr. Payne. Defendant denied that he ever bumped into the automobile and testified there was plenty of room for both he and Mr. Payne to go around the other automobile in safety.

The conflict in the testimony presented a question for the determination of the jury. The evidence was sufficient, if believed by the jury under the required rule, to sustain the judgment of conviction. No error resulted in the court's denial of the motion for a new trial on the ground the verdict was

contrary to the evidence.

It is insistently contended that the evidence in the case did not warrant the imposition by the court of the additional punishment of a jail sentence, and that such sentence was excessive, in view of the fact that the jury saw fit to impose only the minimum fine.

Title 36, Section 3 of the Code, supra, provides that upon conviction punishment may be by both fine and imprisonment of not less than five nor more than ninety days. Where the judge in imposing sentence does not exceed the authority given him by law, his discretion is not reviewable. Dunn v. State, 8 Ala. App. 382, 62 So. 379; Wood v. State, 28 Ala. App. 464, 187 So. 250; Rutland v. State, 31 Ala. App. 43, 11 So. 2d 768; Yates v. State, 31 Ala. App. 362, 17 So. 2d 776.

No reversible error appearing in the record, the judgment of the trial court is affirmed.

AFFIRMED.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1 Div., No. 641

Mars2 Haney, Appellant,

v.

Lestate, Appellee,

From Baldwin Circuit Court

The State of Alabama,
City and County of Montgomery.

I, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, do hereby certify that the foregoing pages numbered from one to three inclusive, contain a full, true and correct copy of the opinion of said Court of Appeals in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 7 day of Oct, 1952

Charles Bricken Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

1 Div., No. 641

Marie Haney
Appellant

vs.

The State
Appellee

From Bessemer Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1945

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19 52

To the Clerk of the Circuit *Court*

of Baldwin *County—Greeting:*

Whereas, the Record and Proceedings of the ..... *Court*

of said county, in a certain cause lately pending in said Court between

Mark Haney, *Appellant*,

and

Sheffield, *Appellee*,

wherein by said Court, at the ..... *Term,* 19....., *it was considered adversely to said appellant*....., *were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant*.....:

NOW, IT IS HEREBY CERTIFIED, *That it was thereupon considered by our Court of Appeals, on the* 7th *day of* October 19 52 *that said judgment of said* ..... *Court be in all things affirmed, and that it was further considered that the appellant*....., ~~and~~

pay the cost accruing on said appeal in this Court and in the Court below

Witness, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 7th *day of* Oct, 19 52

Charles Bricken Jr.

Clerk, Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 1952

1st *Div., No.* 641

Mark Gainey
Appellant,

vs.

Lee State
Appellee.

From Baldwin Circuit *Court.*

CERTIFICATE OF AFFIRMANCE.

THE STATE OF ALABAMA,
Baldwin County.

Filed this 8th day of
Oct 1952
Wm. Jones
Clerk

BROWN PRINTING CO., MONTGOMERY 1951

The State of Alabama,
Baldwin County.

CIRCUIT COURT

Fall Term, 19 51

On Appeal from ~~County Court~~ Justice Court.

THE STATE vs. MARK GANEY

The State of Alabama, by its Solicitor, complains of Mark Ganey, whose name is to your informant otherwise unknown than as stated, that in said county and within twelve months before the commencement of this prosecution he did drive a motor vehicle upon the old Bay Minette-Stockton road, a public 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 a manner so as to endanger or be likely to endanger a person or property,

contrary to law and against the peace and dignity of the State of Alabama.

William R. Lauten
Solicitor.

No. _____

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

THE STATE
vs.
Mack Garey

CHARGE:
Reckless Driving

COMPLAINT

Filed 11-16 19 57
[illegible] Clerk

MOORE PTG. CO.

We the jury find the Defendant guilty of Reckless Driving and fix fine at $25.00

Hugh S. Mutrall
Foreman

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 16th November ~~Monday in~~, 1951, in a certain cause in said Court wherein STATE OF ALABAMA Plaintiff, and MARK GANEY Defendant, a judgment was rendered against said MARK GANEY to reverse which ....., the said MARK GANEY applied for and obtained from this office an APPEAL, returnable to the NEXT Term of our COURT OF APPEALS Court of the State of Alabama, to be held at Montgomery, on the NEXT day of NEXT COURT OF APPEALS 194..... next, and the necessary bond having been given by the said MARK GANEY with SILAS GANEY AND HENRY GANEY, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said William R. Lauten or ....., attorney, to appear at the NEXT Term of our said Supreme Court, to defend against the said Appeal, if HE think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this ..... day of ....., A. D., 194.....

Attest:

Alice J. Duck, Clerk.

Executed 12-3 1951
by serving copy of within ~~Summons and~~ citation
Complaint on

William R. Sanders

Taylor Wilkins Sheriff
By W. F. Hall Deputy Sheriff

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. } Citation in Appeal

MARK GARBY

Issued 30th day of Nov., 1951

1ST DIV.

NO. 412

IN THE COURT OF APPEALS OF ALABAMA

MARK CANEY

APPELLANT

VS.

STATE OF ALABAMA

APPELLEE

APPEALED FROM THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

APPLICATION FOR WRIT OF CERTIORARI
SEEKING COMPLETION OF THE RECORD

Comes the State of Alabama, through its Attorney General, Si Garrett, and applies to this Honorable Court for a writ of certiorari directed to Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, directing the said Clerk to correct the record in the above styled cause as set out herein below:

The record does not contain a sworn affidavit in support of the Solicitor's complaint if, in fact, said complaint was so supported.

And the State applies for a writ of certiorari directing the said Clerk of the said Circuit Court to correct the record by completing the same as shown by the record of the said case in the office of the said Clerk of the Circuit Court of Baldwin County, Alabama.

Respectfully submitted,

Si Garrett

SI GARRETT
ATTORNEY GENERAL

Robert Straub

ROBERT STRAUB
ASSISTANT ATTORNEY GENERAL

State vs Mark Gurney

Jury List For Fall Term Of Criminal Court

No.	Name	Occupation	Address
1.	~~BUD EADY, Farmer, Rabon~~	S3	
2.	~~M. D. DRINKARD, Dairy, Bay Minette~~	S12	
3.	~~PAUL SCHULTZ, Oil Dealer, Foley~~		
4.	DONOL PEARSON, Farmer, Robertsdale		
5.	EARTIS LANDCASTLE, Paperwood, Robertsdale		
6.	~~EDDIE L. HILES, Mechanic, Loxley~~	D2	
7.	CHARLES HEAD, JR., Farmer, Stapleton		
8.	~~JAMES HORN, Railroad, Bay Minette~~	D3	
9.	~~ROBERT SANCA, Butcher, Robertsdale~~	S9	
10.	~~ANDY COTTON, Printer, Fairhope~~	D7	
11.	~~EDD HALL, Saw Mill, Rabon~~	S3	
12.	~~CLAUD LAURENDINE, Butcher, Foley~~	S11	
13.	~~LOVICK ALLEN, Inn Keeper, Gulf Shores~~	D7	
14.	~~M. V. McWATERS, Lumber, Stapleton~~	D4	
15.	~~J. SIMPSON LOWERY, Real Estate, Bay Minette~~	D8	
16.	HUGH MEDCALF JR., Farmer, Foley		
17.	~~FRANK A. KUCERA, JR., Farmer, Silverhill~~	S2	
18.	~~RUSSELL CAMPBELL, Farmer, Loxley~~	D8	
19.	GIRARD LUCASSEN, Plumber, Fairhope		
20.	~~BENNIE KLUMPP, Farmer, Fairhope~~	D12	
21.	~~JOE KRAUSS, Farmer, Elberta~~	S6	
22.	~~J. D. McKENZIE, Farmer, Robertsdale~~	D2	
23.	~~WARREN D. GAUSE, JR., Mfg., Stockton~~		
24.	~~CLIFF BECK, Finance, Perdido Beach~~	S4	
25.	~~HENRY FREZELL, Electrician, Foley~~	D6	
26.	CARL B. WOODWORD, Farmer, Foley		
27.	~~WILLIAM WILCOX, Produce, Elberta~~	D9	
28.	~~GRADY THAMES, Farmer, Robertsdale~~	S8	
29.	~~VIRGIL CHRISTENSEN, Florist, Foley~~		
30.	~~A. C. COUNCIL, Shipyard, Daphne~~	D9	
31.	~~CLARENCE M. UNDERWOOD, Farmer, Summerdale~~	D2	
32.	~~JOE E. B. BROWN, Retired, Magnolia Springs~~	D10	
33.	~~C. E. HANKINS, Farmer, Robertsdale~~	S1	
34.	D. Z. NIX, Carpenter, Robertsdale		
35.	~~RALPH C. BROWN, Foley~~	S10	
36.	~~RAY KENNEDY, Fleet Worker, Bay Minette~~	D4	
37.	~~JACK JONES, Merchant, Bay Minette~~	D10	
38.	~~JAMES T. ALLISON, Mechanic, Fairhope~~	D12	
39.	VERNON KING, Farmer, Robertsdale		
40.	EARL McDANIEL, Farmer, Robertsdale		
41.	~~J. P. BAILY, Elec., Fairhope~~	D5	
42.	~~W. M. ROLPH, Painter, Fairhope~~		
43.	O. E. ARCHER, Mechanic, Fairhope		
44.	~~E. G. ANDERSON, Contractor, Fairhope~~	D1	
45.	WALTER B. ANACKEN, Dairy & Farmer, Point Clear		
46.	~~SHELBY W. LANGSTON, Bank Officer, Bay Minette~~		
47.	~~GEORGE SCHAFF, Farmer, Elberta~~		
48.	FRANK KRISS, Farmer, Silverhill		
49.	~~WALDO C. TEEM, Farmer, Foley~~	D11	
50.	~~CARL GULLEDGE, R.E.A., Robertsdale~~	D11	
51.	~~ALEX V. LAZZARI, Farmer, Belforest~~	S7	
52.	~~CYRIL P. BIANCO, Soil Conservation, Foley~~	D4	
53.	~~JOHN BURKHART, Farmer, Elberta~~	S11	
54.	~~FRANKLIN HELTON, Carpenter, Foley~~	D4	

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D. ++++ ++++ ++

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_____Div. No._____ CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 1378

Baldwin County, Circuit Court

MARK GANEY, Appellant

VS.

The State of Alabama, Appellee

The State of Alabama,

BALDWIN County, The Circuit Court of BALDWIN County.

I, ALICE J. DUCK, Clerk of the Circuit Court of BALDWIN County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 16th day of November 19 51, and the defendant convicted by a Jury of the offense of Reckless Driving, and that on the 16th day of November 19 51, said defendant was sentenced to a term of $25.00 and cost and 90 days in jail, which said sentence was suspended pending an appeal to the Court of Appeals Court of Alabama.

I further certify that on this the 16th day of November 19 51, the defendant gave notice in writing of an appeal to the COURT OF APPEALS Court of Alabama.

Witness my hand and the seal of this Court, this the 27th day of November 19 51.

Clerk of Circuit Court of

BALDWIN County, Alabama,

(BOX 474)

47386 MARSHALL & BRUCE CO NASHVILLE

Mark Gurney

2392

THE STATE OF ALABAMA,
Baldwin County

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

To Any Sheriff of the State of Alabama:
You are Hereby Commanded to Summon John Payne, L. K. Corlett, A. J. Nelson, Geo. Hartley, H. F. Hall.
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the 3 day of Nov, 1951, 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 Mark Gainey Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 31 day of Oct, A.D., 1951

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

Executed in full, this the

3rd day of

Nov, 195

Taylor Williams
Sheriff

Deputy Sheriff

Printed by Moore Prg.Co.

M1378

Case No. ~~2392~~ 2225

Justice Court of

T. C. HAND

Bay Minette, Ala.

The State

VS.

Mark Gainey

CHARGE:

Reckless Driving

DISPOSITION:

Found Guilty.
Given 90 days
in Jail.
Def. Appealed

Moore Printing Co.

3 Nov. 51

Appearance Bond. Printed by Moore Ptg. Co.

THE STATE OF ALABAMA,
Baldwin County

We, Mark Gamey, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Three Hundred DOLLARS unless the said Mark Gamey appears at the Nov. 3 Term, 1951 of the Justice 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 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 _____ 195____

_____ Baldwin County, Ala.

Mark Gamey L. S.
L. P. Farrell L. S.
Margaret Harwill L. S.
Hillary Harwill L. S.

Taken and approved this the 31 day of Oct 1951

Taylor Wilkins Sheriff

By W. F. Hall, Deputy Sheriff

No._____

The State of Alabama,
Baldwin County.

_____ Court

Sheriff's Office

THE STATE

VS.

_____

_____

Sheriff's Appearance Bond

Amount of Bond, $_____

Filed_____, 195____

_____, Clerk

Appearance Bond. Printed by Moore Ptg. Co.

THE STATE OF ALABAMA,
Baldwin County

We, Mark Haney, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Six Hundred DOLLARS unless the said Mark Haney appears at the Next Term, 195 1 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 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 _____ 195____

_____ Baldwin County, Ala.

B. M. Haney L. S.

G. P. Farrell L. S.

H. B. Harville L. S.

Hillary Harville L. S.

Taken and approved this the 3rd day of Oct 195 1

Layton Wilkins Sheriff

By _____, Deputy Sheriff

No. 1378

The State of Alabama,
Baldwin County.

_____ Court

Sheriff's Office

THE STATE

VS.

_____

_____

Sheriff's Appearance Bond

Amount of Bond, $_____

Filed_____, 195____

_____, Clerk

RECORDED

STATE OF ALABAMA
BALDWIN COUNTY

No. 2912

Case No. 239

IN THE Justice **COURT OF BALDWIN COUNTY, ALABAMA**

The State of Alabama
vs.
Mack Davis

Before me, J. C. Allen, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared Taylor Hill, who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the case of the State of Alabama vs. Mack Davis in the above mentioned court, in executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies, traveled 2 miles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest Stockton

Taylor Hill
Sheriff

Subscribed and sworn to before me this 1 day of Jan. 195 1.

Disposition of Case
found Guilty { appealed to Circuit Court (jury trial)

C. L. Faust
~~Clerk Circuit Court~~
J. P.

After considering the above affidavit made by the sheriff of Baldwin County, Alabama, I, as the trial Judge of said court, do hereby approve the claim for mileage in the sum of $ 2.00 incurred in the making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk of the court to tax the said sum as part of the costs in said case.

This the 2 day of Nov., 195 1.

C. L. Faust
Judge of the above named court

18809 ROBERTS & SON, BIRMINGHAM

Affidavit

Printed by Moore Ptg.Co.

STATE OF ALABAMA, Baldwin County. } In the Justice Court of T. C. HAND

Before me, T. C. HAND, Justice of the Peace in and for said County, personally appeared Payne, John 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 21 Oct 1951 that one Mark Gainey did operate a motor vehicle on the highways of Alabama in a reckless manner not so to endanger personal property or human life.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 21 day of Oct A. D., 1951

T. C. Hand, J. P.

John Payne

Warrant

STATE OF ALABAMA, BALDWIN COUNTY }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Mark Gainey and bring him before me to answer the State of Alabama on a charge Reckless Driving

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

Witness my hand this 21 day of Oct, 1951

T. C. Hand, J. P.

No. 2392 Page

The State of Alabama,

Baldwin County

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,

vs.

Mark Ganey

Witnesses for the State:

John Payne.
L. H. Cottrett
A. J. Helton
George Hartley
H. F. Hall.

Moore Printing Co.

Justice Court Of

Baldwin County

WARRANT of ARREST

The State of Alabama,

vs.

Mark Ganey

Executed this 31 day of Oct 1951

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins Sheriff

Hartley H Hall Deputy Sheriff

Stockton

aeia

Warrant of Arrest

Printed by Moore Ptg. Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Lawful Officer of Said County---Greeting:

You are hereby commanded to arrest Mark Garey

and bring him before the Judge of the ~~County~~ circuit Court on the _____ day of _____

_____, 19____; to answer to the State of Alabama on a charge _____

Reckless driving

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

Witness my hand this the 25th day of Oct 19 52

Aeia J. Lewis
Clerk of the Circuit Court.

aias

No. 1378 Page

State of Alabama,
Baldwin County.

COUNTY COURT

THE STATE
VS.
Mark Kenny

Warrant of Arrest

Witnesses for the State :

Executed this 1 day of Nov 1952
by arresting the within named Defendant

and placing him In Jail

Taylor Wilkins
Sheriff

D. S.

Omi

STATE OF ALABAMA V. MARK GANEY, Defendant.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. NOVEMBER TERM, 1951.

This day came the State of Alabama, by its Solicitor, William R. Lauten, Esquire, and the Defendant, in his own proper person, and by his attorney, and the said Defendant was arraigned on a complaint charging him with the offense of reckless driving, to which charge he pleaded not guilty. Thereupon came a jury of twelve good and lawful men, to-wit, Hugh S. Metcalf, and eleven others, who, being duly impaneled and sworn according to law, and having heard the evidence and charge of the Court, do say on their oaths:

"We the jury find the defendant guilty of reckless driving and fix fine at $25.00.

Hugh S. Metcalf,
Foreman."

It is, therefore, considered and adjudged by the Court that Mark Ganey, the said Defendant, is guilty of reckless driving.

And the said Defendant, Mark Ganey, being asked by the Court if he had anything to say why the sentence of the law should not now be pronounced upon him, says nothing.

IT IS THEREUPON considered and adjudged by the Court that the Defendant is guilty of reckless driving and it is further considered and ordered, and it is the judgment and sentence of this Court that the Defendant pay a fine of Twenty-five Dollars ($25.00) and costs of Court.

IT IS FURTHER considered and ordered by the Court and it is the further judgment and sentence of this Court that the said Mark Ganey serve a further and additional period of ninety (90) days in the Baldwin County Jail as additional punishment.

The Defendant gives notice of appeal from this judgment and sentence and it is ordered that sentence be suspended pending Defendant's appeal and that his appeal bond be fixed at Five Hundred Dollars ($500.00).

Done this 16th day of November, 1951.

Telfair A. Mobley, Jr.
Judge

Maria Bruna

M

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

ATTORNEYS	CASE	CHARGE
William Lauten	THE STATE OF ALABAMA	
No. 2392	Vs.	
	Mark Gainey	Reckless Driving

DISPOSITION OF CASE

Affidavit made and Warrant Issued to John Payne

Returnable Circuit Court.

Witness—For State John Payne
L. N. Cattett
A. J. Helton
George Hartley
H. P. Hall.

2 Nov 51 After hearing evidence in case Def. was found guilty and sentenced to serve 90 days in Jail. Def. requested an appeal to Circuit Court and a trial by Jury. Bond was set at $500.00 which was made and accepted by the Court.

P. L. Faucl
Justice of Peace

FEES	AMOUNT
JUDGE'S FEES	
Warrant at 50c, Affidavit at 25c	75
Bond at 50c, Sci. Fa. at 50c	
Witnesses' Recognizances at 25c	
5 Subpoena or Notice at 25c	1.25
Continuance at 25c	
Trial of Misdemeanor at $1.00	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	
CONSTABLE'S FEES	
Subpoena or Notice at 25c	
Carrying Defendant before Justice, each mile for himself and guard at 10c	
Arrest, 50c	
SHERIFF'S FEES	
Arrest, $2.00; Bond $1.00; Sci. Fa., 50c	3.00
Committing, ~~$2.00~~ Guard; Releasing, ~~$1.00~~ F.P. 10	2.10
5 Subpoenas at 500 Day's Board at 30c	2.50
Mileage 80 mi.	2.00
WITNESS FEES	
Days at 50c	
1 " 50c	50
1 " 50c	50
1 " 50c	50
1 " 50c	50
1 " 50c	50
1 " 50c	50
" 50c	
" 50c	
DEFENDANT'S COSTS	
Witnesses' Recognizance at 25c	
Subpoenas at 25c	
Executing Subpoenas	

1378