

THE STATE OF ALABAMA
Baldwin County

We, Floyd Collins, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Seven hundred and fifty DOLLARS
unless the said Floyd Collins appear at the
Dec Term, 1947 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
Grand Larceny

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 consti-
tution 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.

Floyd Collins (Seal)

C.V. Evans by C. Dickinson (Seal) *att in fact*

Catherine J. Evans (Seal)

by C. Dickinson (Seal) *att in fact*

Taken and approved this the 14 day of Nov. 1947

Taylor Wilkins, Sheriff

By _____, Deputy Sheriff

21847

3
RECORDED

No. 223

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,

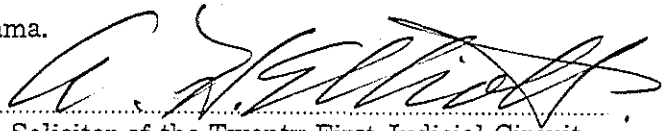
Baldwin County.

Circuit Court, Fall Session ~~Term~~ 1947

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

Frank Collins Sr., Frank Collins Jr., and Floyd Collins feloniously took and carried away one Guernsey Milch cow, the Personal property of John Resmondo,

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 ~~XXXX~~ Term, 194 7

THE STATE

Vs.

Frank Collins, Sr., Frank
Collins Jr., and Floyd Collins

INDICTMENT

Grank Larceny

No

Prosecutor.

WITNESSES:

O. T. Murphy

Jack Patrick

Taylor Wilkins

John Resmondo

GRAND JURY NO. 7

A TRUE BILL

Frank Earl

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the *2nd* day of

Nov

, 1947.

Alice J. Luck, Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in

the presence of *17* other Grand Jurors.

Alice J. Luck

Clerk.

Bail fixed \$

750⁰⁰ each

James R. [Signature]

Judge.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Floyd Collins

at the Fall Term, 1947, of the Circuit Court of Baldwin County, for the offense of

Grand Larceny

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 5th day of Nov 1947

Alice J. Black
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.

RECORDED

CAPIAS

No. 1

THE STATE

vs.

Floyd Collins

Bail Fixed in This Case in Open Court at

\$ 750.00

By Joe M. Pelham Jr.
Judge Presiding.

Attest : Marie J. Smith
Clerk.

Executed this 8 day of Nov 1947

By arresting the within

named Defendant

Floyd Collins

and placing him in jail

L. S. Wilkins
Sheriff.

Deputy Sheriff.

0 - miles

THE STATE OF ALABAMA,
Baldwin County }

No. 7-

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

J. L. Murphy
Jack Patrick
Taylor Wilkins
John Resmond
H. F. Hall

to be and appear on the 3rd day of Nov, 1947, 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 13 day of Oct- A. D., 1947

Alice J. Wessick Clerk.

Elton

ORIGINAL

No. 7

GRAND JURY SUBPOENA

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

By serving in full

this 23 day of Oct, 1947

Taylor Wilkins, Sheriff

Moore Printing Co., Bay Minette, Ala.

147 Hall P.S.

Copy

Jail 8-2M-5-45

THE STATE OF ALABAMA }

Baldwin Mobile County

We FLOYD COLLINS

C. V. Evans

and Catherine I. Evans

agree to pay the State of Alabama Five Hundred Dollars

unless the said FLOYD COLLINS appear at the

Present

Baldwin
term of the Circuit Court of Mobile County

and from term to term thereafter, until discharged by law, to answer a criminal prosecution for the offense of Grand Larceny

AND WE HEREBY WAIVE ALL RIGHT OF EXEMPTION ALLOWED US UNDER THE CONSTITUTION AND LAWS OF THE STATE OF ALABAMA AS TO THE COLLECTION OF THIS BOND IF FORFEITED.

Approved:

The 3rd day of July, 1947

TAYLOR WILKINS

Sheriff

Deputy

FLOYD COLLINS (L. S.)

C. V. Evans by C. D. Dickerson (Atty in Fact) (L. S.)

Catherine I. Evans by C. D. Dickerson (Atty in Fact) (L. S.)

STATE OF ALABAMA, BALDWIN COUNTY:

I, ALICE J. DUCK, Clerk of Circuit Court in and for said county and state, hereby certify that this is a true and correct copy of the bond of the within named defendant and the same appears on file in this office.

WITNESS my hand and seal this 15th day of September, 1947

Alice J. Duck
Clerk of Circuit Court.

No. _____

THE STATE

VS.

APPEARANCE BOND

Filed

day of

194

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, W.H. Holcombe, Sheriff of Mobile County, Alabama, do, hereby, certify that the within bond is a good and sufficient bond and if it were offered to me in Mobile County, I would accept same.

This the 30th day of June 1947

W.H. Holcombe
W.H. HOLCOMBE, Sheriff of Mobile
County, Alabama.

THE STATE OF ALABAMA
County of Mobile

Personally appeared before me,

who, being duly sworn, doth depose and say that _____

_____ is a resident of the State of Alabama, County of Mobile, a

householder and freholder therein and that _____ is worth, exclusive of property exempt from execution,

Subscribed and sworn to before me, this _____

day of _____, 194

Sheriff of Mobile County.

Received 11-6-47 by arresting the within named defendant and placing him in jail - J. Edgar Hoover - Sheriff of Mobile County

(copy)

Prisoner removed to and lodged in Mitchell Co. Jail for
safes keeping as attempted to saw out of jail in this county.

THE STATE

VS.

Frank Collins, Alias

Alex Smith

No. 1335

Superior

Baker

In The City Court of Camilla, Mitchell County, Georgia

Elea

of Guilty

of Stealing Cows

July Adj. Term, 1947 193

WHEREUPON, it is considered and adjudged by the Court that the defendant,

Frank Collins, Alias Alex Smith

be placed and confined at hard labor in a chaingang upon some public works in said County and State,
or wherever the proper authorities of said State and County may direct, for and during the full term of
Not less than 4 nor more than 4 yrs.

months from the date of his entrance; nevertheless
said defendant may be discharged therefrom and relieved of the chaingang part of this sentence upon the
payment of -- Dollars fine, including costs of prosecution, provided the fine is paid
at any time before the expiration of this sentence.

In open court, this 21 day of Oct. 1947

I hereby certify to the foregoing as a
true and correct copy of original sentence,
as is, of file and record, in this office.

This Nov. 28, 1947, *P. T. Nicolson* Clerk S.C.
Baker Co. Ga.

Carl E. Crow

Judge City Court of Camilla
Superior Court, of Baker
County, Ga.

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA
November 19, 1947

Clerk of Superior Court
Newton, Georgia

Dear Sir:

Please advise if Frank Collins Sr., has been recently tried in your Court and if so whether or not he was convicted, and if so the punishment.

If he hasn't yet been tried and there are cases pending against him there will you advise the nature of them and the possible punishment they will be given.

Yours very truly,


County Solicitor

HMH/ew

Dear Sir:

Wish to acknowledge your letter which I have been holding to secure the information from the Sheriff of this county, M.C. Screws, as to the several other charges in the respective counties but have overlooked securing the information as forget it when see him. If you will write him at Newton, Ga. am sure he may be able to supply the other charges and the counties in which same pending.

Am enclosing you copy of sentence we hold, which is self explanatory. He also ~~has~~ attempted to saw out of jail and may be indicted on that.

Yours very truly,


C.T. Williford, Clerk

STATE OF ALABAMA

VS

FLOYD COLLINS

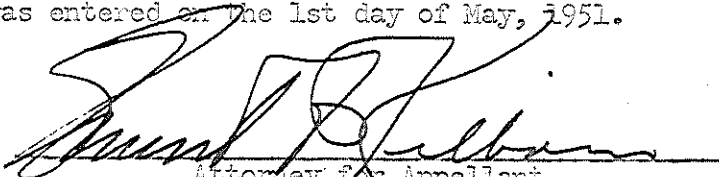
IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

CRIMINAL DIVISION

NO. _____

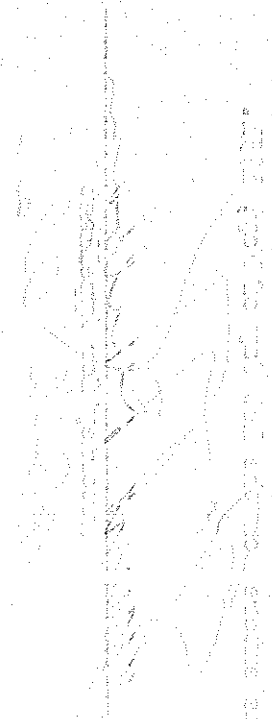
Comes now C. V. Evans and Catherine I. Evans and give notice of appeal to the Court of Appeals of the State of Alabama from that certain final judgment of forfeiture entered against them in the sum of SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS together with costs, which such judgment was entered on the 1st day of May, 1951.


Attorney for Appellant
Mobile Ala.

Copy agreed
on Kenneth
Cooper, solicitor
June 1, 1951
Ainsworth
Clark

8

6



Filed 6-1-51
Ainsworth
Clark

final judgment on forfeiture.

4-30-57 This day in open court came the State of Alabama by its Solicitor and this case having been regularly set for this day on hearing of the judgment ni si rendered in this case against defendant's bondsmen, and , and it appearing to the court that service of Notice of the Ni Si Forfeiture in this case was had by the Sheriff on said bondsmen, and , for more than thirty days before this day, and defendant's said bondsmen having failed to show to the satisfaction of the court good cause why said judgment ni si should not be made final;

Therefore, upon motion of the State Solicitor it is ordered and adjudged by the Court that the Judgment Ni Si in this case against defendant's bondsmen, and , be and the same is hereby made final for the sum of \$.

It is, therefore, ordered and adjudged by the Court that the State of Alabama for the use of ~~XXXXXXX~~ Baldwin County have and recover of defendant's bondsmen, and , the sum of Hundred (\$.00) Dollars, besides all costs of forfeiture in this case for the recovery of which let execution issue.

And upon the further motion of the State Solicitor it is further ordered and adjudged by the court that the indictment (or original affidavit) in this case be and the same is hereby ordered withdrawn and filed.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:
An indictment having been found against

Frank Collins Jr

at the Fall Term, 1947, of the Circuit Court of Baldwin County, for the offense of

Grand Larceny

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 5th day of Nov 1947

Alvin J. Smith
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.

RECORDED

CAPIAS

No. 2

THE STATE

vs.

Frank Collins Jr.

Bail Fixed in This Case in Open Court at

\$ 750⁰⁰

By Joe B. Pelham Jr.
Judge Presiding.

Attest : Archie J. Leuch
Clerk.

Executed this 8 day of Nov. 1947

By arresting the within

named Defendant

Frank Collins Jr.

and placing him

in jail

Geo. W. Wilk Sheriff.

Deputy Sheriff.

0 - miles

AFFIDAVIT

STATE OF ALABAMA,
BALDWIN COUNTY

In the Justice Court of _____ C. W. HAMILTON
C. W. HAMILTON, Justice of the Peace

Before me, _____

in and for said County, personally appeared H. F. Hall 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 June 8, 1947 that one Frank Collins, Sr.
deliberately took & carried away a car
the personal property of John Keasbrode,
valued at \$150.00

_____ against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 8

day of June A. D. 1947

C. W. Hamilton J. P.

H. F. Hall

WARRANT

THE STATE OF ALABAMA,
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Frank Collins, Sr.

and bring him

before me to answer the State of Alabama on a charge
Grand Larceny

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

Witness my hand this 8 day of June, 1947

C. W. Hamilton J. P.

No.

1157

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF

C. W. Hamilton

AFFIDAVIT

THE STATE OF ALABAMA

VS.

Frank Collins, Jr.

WITNESSES FOR THE STATE:

C. L. Murphy
Jack Patrick
Taylor Wilkins
John Resmondo
H. F. Hall

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

The State of Alabama
VS.

Frank Collins, Jr.

Executed this 8 day of June, 1947

By arresting the within

named Defendant

and placing him

in jail

Taylor Wilkins, Sheriff

H. F. Hall, Deputy Sheriff

Dear Mrs. Duck:

We discovered this after you had gone and was quite sure you had forgotten it. Hope it will be of some service to you.

Myrtle M. Darr

Myrtle M. Darr, 112 S. 1st St., St. Louis, Mo.

State of Alabama vs. Floyd Collins - Grand Larceny.

- 1.- Indictment
- 2.- Writ of arrest.
- 3.- Appearance Bond.
- 4.- NI SI Forfeiture (Min. Book ____page____)
- 5.- Notice of NI SI Forfeiture.
- 6.- Alias Writ of arrest.
- 7.- Final Forfeiture.
- 8.- *notice of appeal*
Appeal Bond to Court of Appeals. -
- 9.- *Certificate of appeal*
Clerk's Certificate to Transcript.

THE STATE OF ALABAMA,
Baldwin County }

We, Frank Collins Sr., as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of \$750.00

Seven hundred and Fifty DOLLARS

unless the said Frank Collins Sr. appear at the

Fall Term, 194 7 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

Grand Larceny

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 X Frank Collins Sr. (SEAL)

 day of , 194 (SEAL)

 (SEAL)

 , Baldwin County, Ala. (SEAL)

Taken and approved this the 19 day of June, 194 7

Loyla Wilkins, Sheriff

By , Deputy Sheriff,

RECORDED

NO _____

The State of Alabama

BALDWIN COUNTY

COURT

SHERIFF'S OFFICE

THE STATE

VS.

Frank Collins Sr

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 194

_____, Clerk

115-9
THE STATE OF ALABAMA {
Baldwin County

JUSTICE COURT OF C. W. HAMILTON

Precinct 4, Bay Minette, Ala.

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

*O. L. Murphy, Jack Patrick,
Taylor Wilkins, John Resmonds, T. J. Hall*
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the

19 day of *June* *10 AM*, 194*7*, 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 *Frank Collins, Sr.*

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

Witness my hand this *8* day of *June*, A. D. 194*7*.
C. W. Hamilton
Justice of the Peace, Precinct No. 4

Executed in full, this the

10 day of

June, 1947

Taylor Wilkins
Sheriff.

John B. Griffin
Deputy Sheriff.

STATE OF ALABAMA,

Plaintiff,

vs.

FLOYD COLLINS,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

We, the undersigned, hereby acknowledge ourselves as security for all costs on appeal by C. V. Evans and Catherine I. Evans for that certain final judgment of forfeiture entered against them in this case adjudging forfeited by them SEVEN HUNDRED FIFTY AND NO/100 (\$750.00) DOLLARS and costs.

Sealed with our seal and dated the 18th day of May, 1951.

C. V. Evans

(SEAL)

C. V. Evans

Catherine I. Evans

(SEAL)

Catherine I. Evans

Attorney and Counsel Company of Maryland

(SEAL)

Attorney in Fact

(SEAL)

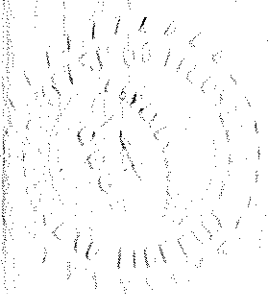
Taken, approved and filed this 18th day of

June, 1951.

Alice Leach clerk

Filed 6-1-51
Alice J. French
clerk

6



The State of Alabama, _____ County

CIRCUIT COURT

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to notify FLOYD COLLINS, C. V. EVANS by C. O. Dickerson atty, in fact., CATHERINE I. EVANS by C. O. Dickerson (atty. in fact)

That on the SPRING Term, 1949, of the Circuit Court of said County, a judgment was rendered against them, of which the following is a copy:

THE STATE
vs.

Indictment for

FRANK COLLINS SR., FRANK COLLINS JR.

GRAND LARCENY

FLOYD COLLINS

"It appearing to the Court that the said FLOYD COLLINS together with C. V. EVANS (BY C. O. DICKERSON ATTIN FACT) CATHERINE I. EVANS (BY C. O. DICKERSON, ATT. IN FACT)

_____ agree to pay the State of Alabama

SEVEN HUNDRED AND FIFTY

Dollars,

unless the said FLOYD COLLINS appeared at this term of the

Court to answer in this case; and the said FLOYD COLLINS

_____ having failed to appear, it is therefore ordered that the State of Alabama, for the use of

BAIDWIN

County, recover of the said

FLOYD COLLINS, C. V. EVANS (C. O. DICKERSON, ATT IN FACT), ~~EMAN~~

CATHERINE I. EVANS (C. O. DICKERSON, ATT. IN FACT) on said undertaking, the sum of

SEVEN HUNDRED AND FIFTY

Dollars,

unless they appear at the next term of this Court and show cause why this judgment should not be made absolute."

You will, therefore, by serving a copy thereof, notify C. P. EVANS, CATHERINE I. EVANS that the said judgment will be made absolute against THEM at the next term of said

Court, unless THEY then appear and show cause against the same.

Witness this 2nd day of November, 1949

Archie. Neuch

, Clerk.

Original 923 ✓ 169
No. 1023
The State of Alabama

COUNTY.

CIRCUIT COURT

THE STATE

vs.

Floyd Collins

Sci. Fa. to Defaulting Defendant and Bail

RECEIVED IN OFFICE

12-9, 1948

Taylor Wilkins
Sheriff.

Executed by serving copy on

Received 12-13-48 Day of Dec.
and on 12-28-48 Day of Dec.
I served a copy of the writ on
on 12-28-48
by serving on
C. D. Evans
C. D. Evans
W. H. HOLCOMBE, Sheriff
BY W. H. HOLCOMBE, Sheriff
12-28-48
Sheriff.

VINCENT F. KILBORN

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

TELEPHONE 2-2635

VINCENT F. KILBORN

FRED G. COLLINS

May 31, 1951

Miss Alice Duck
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Re: State of Alabama
vs
Floyd Collins

Dear Miss Duck:

I enclose herewith Notice of Appeal and Security for Costs with the Fidelity and Deposit Company of Maryland. I desire to appeal for C. V. Evans and Catherine I. Evans from the final judgment of forfeiture against them in this case.

Please acknowledge receipt.

Very truly yours,

Vincent F. Kilborn
VINCENT F. KILBORN

VFK:sfh
DICTATED: 5-31-51

Encl.

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA
November 19, 1947

Clerk of Superior Court
Fort Valley, Georgia

Dear Sir:

Please advise if Frank Collins Sr., has been recently tried in your Court and if so whether or not he was convicted, and if so the punishment.

If he hasn't yet been tried and there are cases pending against him there will you advise the nature of them and the possible punishment they will be given.

Yours very truly,

H. M. Hall
County Solicitor

HMH/ew

*Mr Collins Pleased guilty on
Nov. 19th and was sentenced
to 12 years*

J. Leonard Wilson
C-S. C.

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA
November 19, 1947

Clerk of Superior Court
Camillia, Georgia

Dear Sir:

Please advise if Frank Collins Sr., was recently
tried and convicted, or pleaded guilty in your Court.
If so what punishment did he receive.

Yours very truly,

H. M. Hall
County Solicitor

HMH/ew

If you will write the Clerk of Superior Court, Baker County,
Newton, Georgia, the Clerk at Albany Georgia and Fort Valley,
Georgia, I think you can get the above information. It is
my understanding that this man has either been tried or entered
a plea of guilty in each of these places.

J. S. Brown

I

NI SI FORFEITURE.

State of Alabama) Grand Larceny
~~Mashburn~~ vs.)
Floyd Collins no 92364) NI SI Forfeiture.
(white male- yrs))

11-27-55 In open court on this day it appearing to the court that the defendant together with Col. Wm. S. S. and and Dollars agreed to pay the State of Alabama Dollars unless the said defendant appeared at this term of this court to answer in this case, and the defendant having failed to appear and answer in this case after having been duly called in open court on this day, and the trial of this case having been regularly set for this day; It is therefore ordered and adjudged by the court that the State of Alabama have and recover of the defendant and his bondsmen C. V. S. and on said undertaking, the sum of Dollars, unless they appear before this court on the day of 195 , to show cause why this judgment should not be made absolute.

(IF BOND IS INCREASED ADD THE FOLLOWING)

And it is further ordered and adjudged by the court that the amount of the bail bond in this case be and the same is hereby fixed at \$.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 923Term Fall, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

W. L. Murphy, Jack
Patrick, Taylor Wickers, John R. Remonds,
W. F. Hall

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 2nd day of Dec, 1947, 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

Frank Collins et al

there this Writ, with your endorsement thereon.

Defendant, and have you then and

Witness my hand this 13 day of Nov A. D. 1947R. S. DUCK, Clerk.

Received in office 11-14, 1947

Executed this 11-19, 1947

By Serving

John Remonda 11-19-47

C. E. Murphy

Jack Patrick

Taylor Wilkins

W. F. Hall

Taylor Wilkins

W. F. Hall Sheriff

D. S.

ORIGINAL

For

No. 923 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

Frank Collins et al

STATE SUBPOENA

Issued this 13 day of

Nov, 1947

Alice J. Hirsch
Clerk.

SHERIFF'S APPEARANCE BOND

Printed By The Baldwin Times, Bay Minette, Ala.

THE STATE OF ALABAMA,
Baldwin County

We, Frank Collins Jr., C. V. Evans and Catherine Evans, as
~~principal, and undersigned as sureties~~, agree to pay THE STATE OF ALABAMA, the sum of—
Seven Hundred Fifty DOLLARS

unless the said Frank Collins Jr. appear at the
—Present— Term, 194— of the Circuit Court Baldwin
~~xxxx~~ Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the
offense of Grand Larceny

We hereby waive ~~all rights of exemption allowed us under the constitution and laws of the State of Ala as to the collection of this bond if forfeited~~ 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 Frank Collins Jr (Seal)
the _____ day of _____, 19____. C. V. Evans By C. O. Dickerson (Seal) Atty in F.

Catherine I. Evans, Atty in fact (Seal)
_____, Baldwin County, Ala. _____ (Seal)

Taken and approved this the 2nd day of July, 1947.

Taylor Wilkins, Sheriff

By _____, Deputy Sheriff

STATE OF ALABAMA
BALDWIN COUNTY

I, Alice J. Duck, Clerk
of the Circuit court, hereby
certify that this is a correct copy of
the bond of the within styled cause
and same appears on record in this office.
witness my hand this 4th day of October
1947.

Alice J. Duck
Clerk Circuit Court

STATE OF ALABAMA
COUNTY OF MOBILE

I, W. H. Holcombe, Sheriff of Mobile County, Alabama, do hereby
certify that the within bond is a
good and sufficient bond and if it
were offered to me in Mobile County
I would accept same.

This 30th day of June 1947.

W. H. Holcombe
W. H. Holcombe, Sheriff of
Mobile County Alabama

*Executed 11-8-47 by arresting
the within deft and
placing him in Jail
Gayler Wilkins
Sheriff*

RECORD

No. _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Court

SHERIFF'S OFFICE

THE STATE

VS.

Frank Collins Jr.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19____

_____, Clerk.

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

ATTORNEYS	CASE	CHARGE
No.	THE STATE OF ALABAMA vs. Frank Collins, Jr. Frank Collins, Sr.	Grand Larceny
	DISPOSITION OF CASE	FEE'S
	Affidavit made and Warrant issued to Returnable Witness—for State J. L. Murphy Jack Patrick J. Taylor Wilkins John Remond H. G. Hall	JUDGE'S FEES Warrant at 50c Affidavit at 25c Bond at 50c Sci Fa at 50c Witnesses' Recognizances at 25c Subpoena or notice at 25c Continuance at 25c Trial of Misdemeanor at \$1.00 Mittimus at 25c Judgment on Forfeited Bond at 50c Taking Bond, etc. on Appeal at \$1.00 Execution for Costs at 25c
		CONSTABLE'S FEES Subpoena or Notice at 25c Carrying defendant before Justice, each mile for himself & guard at 10c Arrest 50c
		SHERIFF'S FEES Arrest \$2.00 Bond \$1.00 Sci Fa 50c Committing \$1.00 Releasing \$1 00 Subpoenas at 25c Days's Board at 30c
		WITNESSES FEES Days at 50c " 50c " 50c " 50c " 50c " 50c " 50c
		DEFENDANT'S COSTS Witnesses' Recognizance at 25c Subpoenas at 25c Executing Subpoenas

I, C. W. Hamilton, Justice of the Peace, Precinct #4, Baldwin County, Ala. do certify that on June 19, 1947, that \$750.00 was deposited in Baldwin County Bank for Bond of Frank Collins, Sr.

C. W. Hamilton, J. P.

923

Handwritten notes in the center of the page, including the word "Schnitz" and other illegible characters.

Handwritten notes on the left side of the page, including the word "Schnitz" and other illegible characters.

Handwritten note at the bottom left of the page.

OCT 7 1952

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1952-53

1 Div. 636

C. V. Evans and
Catherine I. Evans

v.

State

Appeal from Baldwin Circuit Court

HARWOOD, JUDGE

This is an appeal from a final judgment of forfeiture against C. V. Evans and Catherine I. Evans as sureties on a bail bond executed by Floyd Collins.

Floyd Collins, Frank Collins, and Frank Collins, Sr.

2.
were charged with larceny by an indictment returned by a Grand Jury of Baldwin County on 5 November 1947.

A capias was issued pursuant to such indictment for the arrest of Floyd Collins, and executed on 8 November 1947.

Thereafter an appearance bond was made by Floyd Collins, with the appellants as sureties. This bond was approved on 14 November 1947.

By the terms of this bond the parties agreed "to pay the State of Alabama, the sum of Seven Hundred and Fifty Dollars unless the said Floyd Collins appear at the December Term 1947 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 Grand Larceny." Etc.

On 27 November 1950 a nisi judgment of forfeiture was entered on this bond against Collins and the two appellants. This judgment is captioned:

"STATE OF ALABAMA)	
)	GRAND LARCENY
v.)	
FLOYD COLLINS)	NISI FORFEITURE"
(WHITE MALE))	

Among other things, it recites that "the defendant together with C. V. Evans and Catherine I. Evans agreed to pay the State of Alabama Seven Hundred and Fifty Dollars unless the said defendant appeared at this term of this court to answer in this case, and the defendant having failed to answer in this case after being duly called in open court on this day, and the trial of this case having been regularly set for this day;" etc. (Underlining ours).

On 17 January 1951 a sci. fa. was issued pursuant to the nisi judgment.

An endorsement shows that this sci. fa. was served on the appellants on 20 January 1951 by W. H. Holcombe, Sheriff of Mobile County.

Thereafter, on 30 April 1951, a final judgment of

3.
forfeiture was entered, in words as follows:

"FINAL JUDGMENT ON FORFEITURE

"4-30-51 This day in open court came the State of Alabama by its Solicitor and this case having been regularly set for this day on hearing of the judgment nisi rendered in this case against defendant's bondsmen, C. V. Evans and Catherine I. Evans, and it appearing to the court that service of Notice of the NISI Forfeiture in this case was had by the Sheriff on said bondsmen, C. V. Evans, and Catherine I. Evans, for more than thirty days before this day, and defendant's said bondsmen having failed to show to the satisfaction of the court good cause why said judgment nisi should not be made final:

"Therefore, upon motion of the State Solicitor it is ordered and adjudged by the Court that the Judgment NISI in this case against defendant's bondsmen, C. V. Evans and Catherine I. Evans, be and the same is hereby made final for the sum of \$750.00.

"It is, therefore, ordered and adjudged by the court that the State of Alabama for the use of Baldwin County have and recover of defendant's bondsmen, C. V. Evans and Catherine I. Evans, the sum of Seven Hundred and Fifty dollars, besides all costs of forfeiture in this case for the recovery of which let execution issue."

This appeal is on the record proper, and the sole question presented is the regularity of the proceedings below precedent to and including the final judgment entered.

Counsel for appellant contend that since the nisi judgment and the sci.fa. each refer to an agreement "to pay the State of Alabama - - - unless the defendant appeared at this term of this court to answer in this case," the nisi judgment and the sci.fa. are defective, since the bond provided that the defendant was to appear at the December 1947 term .

We see no merit in this contention. Both the nisi judgment and the sci.fa. carry the caption State of Alabama v. Floyd Collins: Grand Larceny. The bond provided that defendant was to appear at the December 1947 term, and from term to term thereafter until discharged by law.

The final judgment recites this cause "having been regularly set for this day on hearing on the judgment nisi rendered in this case," etc.

If, as argued by counsel for appellant, the charge

4.

against the defendant Collins may have been discontinued or otherwise disposed of, then such matter could properly have been shown at the hearing on the final judgment. In the absence of any such showing we must presume that the cause was regularly and properly before the court at the time of the hearing on the final judgment, it being so specifically stated in the judgment itself.

While the defendant Floyd Collins was indicted jointly with two other defendants, the bond was made solely in Floyd Collins name.

We do not agree with appellant's counsel that the nisi judgment and the sci.fa. are defective in that they identify the case as State of Alabama v. Floyd Collins, instead of as State of Alabama v. Floyd Collins, et al.

Floyd Collins was properly indicted. He alone, so far as revealed in this record, made bond, and in this proceeding it is solely with the forfeiture of the Floyd Collins bond that we are concerned. As stated in Holcombe v. State, 99 Ala. 185, 12 So. 794:

"Great particularity is not required in such proceedings, and the legislature has taken care to provide against technical defenses of this character, to such undertakings. The essence of all undertakings of bail is the appearance of defendant at court, and the bail is forfeited by the failure of defendant to appear, although the offense, judgment or other matter is incorrectly described therein, if the particular matter or case to which the undertaking is applicable, is made to appear to the court."

Counsel contend there may have been other indictments against Floyd Collins, individually, as well as the joint indictment, and the appellants were not properly therefore informed by the description of the case contained in the nisi judgment and the sci.fa. This matter should have been raised at the hearing on the final judgment, if such defense existed.

Counsel further contend that since the nisi judgment was rendered against the defendant (Floyd Collins), and the appellants, and service of the sci.fa. was had only upon the appellants, the final judgment was for this reason improperly

5.
entered against the appellants.

Section 214, Title 15, Code of Alabama 1940, provides that notice of the rendition of a nisi judgment in forfeiture proceedings must be served upon each defendant, and Section 216, Title 15, Code of Alabama 1940, makes two returns of "not found" the equivalent of personal service. However, Section 207, of the same Code article provides that the undertaking of bail binds the parties thereto jointly and severally. The purpose of this declaration is to authorize the taking of forfeitures against any one or more of the obligors, including or excluding the principal defendant. Kilgrew v. State, 76 Ala. 101.

Further, in a proceeding on a forfeiture there is no discontinuance, if the court chooses to make the judgment final against those parties served with notice of the judgment nisi, without waiting to bring in the defendant not served upon the return of two nihilis. Keipp et al v. State, 49 Ala. 337.

The sci.fa. issued in the proceedings below followed substantially the form set forth in the Code (Sec. 214, supra) and set forth the nisi judgment rendered. While it did not bear the greeting: "To any Sheriff of the State of Alabama," neither does the form provided in the code. To hold the notice insufficient because of the omission of any such greeting or address would be indeed captious.

Nor is the sci.fa. affected by the fact that it was served by the Sheriff of Mobile County. Section 216, Title 15, Code of Alabama 1940, specifically provides that notice of sci.fa. may be executed by the Sheriff of any county in the State.

AFFIRMED.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 636

@ V Evans & Catherine S Evans Appellant

v.

Estate 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 five 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

1st Div., No. 636

C. V. Evans and
Catherine D. Evans
Appellant

vs.

The State
Appellee

From the Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1916

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
C V Evans & Catherine S Evans, Appellant_____,
and
The State, 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 1952, that said judg-
ment of said _____ Court be in all things affirmed,
and that it was further considered that the appellant _____, and

Lloyd Collins,
C V Evans (by) C. O.
Dickerson, atty-in-fact,
Catherine S Evans, (by)
C O Dickerson, atty-in-fact,

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

7 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. 636
C. V. Evans, and
Berline S. Evans,
Appellant,

vs.

Herbert
Appellee.
From the Baldwin County Court.

CERTIFICATE OF AFFIRMANCE.

THE STATE OF ALABAMA,

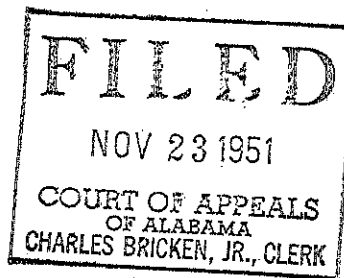
Baldwin County. }

Filed this 8th day of

Oct 1952

W. J. French

1ST DIV.



NO. 636

C. V. EVANS AND CATHERINE I. EVANS,
APPELLANTS

VS.

STATE OF ALABAMA,

APPELLEE

IN THE COURT OF APPEALS OF ALABAMA

APPEALED FROM THE CIRCUIT COURT OF BALDWIN COUNTY

APPLICATION FOR WRIT OF CERTIORARI SEEKING CORRECTION OF RECORD

Comes the State of Alabama, appellee in the above styled cause, by and through its Attorney General, Si Garrett, and applies to this court for a writ of certiorari, directed to Mrs. 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:

1. The date upon which service of the scire facias, or notice of judgment nisi, was made upon appellants, which appears on page 2 of the transcript as "20 day of July 1951," is obviously erroneous and incorrect, inasmuch as this date did not even occur until after the transcript was prepared and the record certified to this court; yet as the record presently reads it shows that the nisi judgment of forfeiture was made final on April 3, 1951, which date was over three months before the purported date of service, with the result that as the record presently reads it appears that judgment was made final against appellants without proper notice to them.

2. The date of entry of final judgment of forfeiture which appears on page 3 of the transcript is given as April 3, 1951; yet in the certificate of appeal, also on page 3 of the transcript, it is stated that the date of said judgment was April 30, 1951, thus giving rise to an inconsistency which, in the face of appellant's claim of insufficient notice, should be cleared up.

3. The entry on page 2 of the transcript which is title "Ni Si Forfeiture", should be given an additional caption to indicate that it is a conditional or nisi judgment entry of the court, in view of appellant's claim that no such judgment was rendered.

WHEREFORE, the State of Alabama hereby applies for a writ of certiorari directing the Clerk of said Circuit Court to correct the record in the above styled cause by making the changes set forth above, so as to make said record accord with the records on file in the office of said Clerk of the Circuit Court of Baldwin County, and so as to make said record true and correct for purposes of review by this court.

Respectfully submitted,

SI GARRETT
Attorney General

A. A. CARMICHAEL
Assistant Attorney General

I hereby certify that I have this day served a copy of the foregoing application for writ of certiorari seeking correction of record upon the Hon. Vincent F. Kilborn, attorney for appellants, by placing a copy in the United States mail, postage prepaid, properly addressed to him at 307 First National Bank Bldg., Mobile, Alabama.

On this _____ day of November, 1951.

A. A. CARMICHAEL
Assistant Attorney General

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 51

To the Clerk of the Circuit Court of Baldwin County—Greeting:

Whereas, In a case now pending in our Court of Appeals, by appeal from a judgment of said Circuit Court at the _____ term thereof, 19 _____, between

O V Evans & Catherine D Evans Appellant,
and _____

State of Alabama, Appellee,

the said ~~appellee~~ has to the Court of Appeals suggested, that the transcript of the record of said Circuit Court, filed in said Court of Appeals on July 9th

19 51, is incomplete in this:—the same fails to set forth a full and complete copy of

the transcription as per the attached copy of the petition for certiorari.

We therefore command you to make diligent search of the records and proceedings in your office in the above cause, and certify instantler, together with this writ, a full and complete transcript of said records records and proceedings to our said Court of Appeals, at Montgomery.

Witness, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 23 day of Nov 19 51
Charles Bricken Jr
Clerk of the Court of Appeals of Alabama.

Please prepare on transcription paper.

THE COURT OF APPEALS OF ALABAMA

October Term, 19 51

1st Div. No. 636

C. V. Evans ^{Ed}

Catherine D Evans
Appellant

v.

State of Alabama
Appellee

From Baldwin Circuit Court

WRIT OF CERTIORARI

BROWN PRINTING CO., MONTGOMERY 1951

The State of Alabama, Baldwin County

CIRCUIT COURT

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to notify FLOYD COLLINS

That on the Fall Term, 1947, of the Circuit Court of said County, a judgment was rendered against him, of which the following is a copy:

THE STATE
vs.

FLOYD COLLINS

Indictment for

Grand Larceny

"It appearing to the Court that the said Floyd Collins
together with C. V. Evans and Catherine I. Evans

agree to pay the State of Alabama

Seven hundred, fifty and no/100 Dollars,

unless the said Floyd Collins appearing at this term of the
Court to answer in this case; and the said Floyd Collins

having failed to appear, it is therefore ordered that the State of Alabama, for the use of

Baldwin County, recover of the said

Floyd Collins, C. V. Evans and Catherine I. Evans

on said undertaking, the sum of

Seven Hundred, fifty and no/100 Dollars,

unless they appear at the next term of this Court and show cause why this judgment should not be made absolute."

You will, therefore, by serving a copy thereof, notify them that the said
judgment will be made absolute against them at the next term of said
Court, unless they then appear and show cause against the same.

Witness this 17th day of January, 1951.

David J. Ruck, Clerk.

021

...COUNTY.

THE STATE

vs.

FLOYD COLLINS

Sci. Fa. to Defaulting Defendant and Bail

RECEIVED IN OFFICE

Jan. 19, 1951

Byron Lillies Sheriff.

Executed by serving copy on.

Received.....*20*
and on.....*20*
Item.....*Devil*
on.....*Dog*
O. V. Evans & Co.
Evans
by.....*C. V. Evans*

Jany 25
Jan 25
Callenridge

W. H. PROCTOR & COMPANY
BY *W. E. Howell* D.S.

Sheriff.

Div. No. 9-31

CERTIFICATE OF APPEAL (Civil Cases)

No. _____

BALDWIN

County, Circuit Court.

THE STATE OF ALABAMA

Plaintiff

vs.

FLOYD COLLINS

Defendant

I, Alice J. Duck

Clerk of Circuit

Court,

of Baldwin County, Alabama, hereby certify that in the cause of

State of Alabama

Plaintiff,

vs.

Floyd Collins et al

Defendant,

which was tried and determined in this Court, on the 30th day of April, 1951

in which there was a judgment for Seven Hundred & Fifty Dollars, in favor of the Plaintiff,

(or judgment for Defendant), the Defendant on the 1st day of June

1951 took an appeal to the Court of Appeals Court of Alabama to be holden of and for said State.

I further certify that Floyd Collins C. V. Evans et al. filed

security for cost of appeal, to the Supreme Court, on the 1st day of June

1951, and that C. V. EVANS AND CATHERINE L. EVANS

Fidelity and Deposit Co. of Maryland. By M. R. Wilson (Att. in fact)

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the 1st day of June

1951, served on William Lanton as attorney of record for said

appellee, and that the amount sued for was Seven Hundred & Fifty Dollars.

(or certain lands) (or personal property)

Witness my hand and seal of this Court, this the _____ day of _____ 19_____

Clerk of the Circuit Court of

County, Alabama

923