

1058

# Jury List For December Session, 1948

Elall  
15.

Thomas E. Morgan

NO. NAME OCCUPATION RESIDENCE

- ~~1. BROOKS BUSH, SR., School Bus Driver, Crossroads D<sup>1</sup>~~
- 2. HAROLD STUART, Presser, Bay Minette
- 3. R. HAROLD AGEE, Merchant, Foley
- ~~4. GEORGE A. LYRENE, Farmer, Silverhill D<sup>4</sup>~~
- 5. J. C. WINN, Farmer, Summerdale
- 6. GUST RIEMER, Farmer, Elberta
- ~~7. GEORGE K. PAGE, Clerk, Robertsdale S<sup>1</sup>~~
- ~~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<sup>4</sup>~~
- ~~12. JACK JONES, Merchant, Bay Minette~~
- 13. JAMES T. BRADLEY, Merchant, Bay Minette
- 14. JOHN SCHENK, Farmer, Elberta
- ~~15. JULIUS P. ULBICH, Laborer, Elberta D<sup>1</sup>~~
- ~~16. ROBERT GREEN, Shipyard, Fairhope S<sup>4</sup>~~
- ~~17. AXEL RUNDQUIST, Insurance, Silverhill D<sup>1</sup>~~
- ~~18. ARTHUR SEWTON, Farmer, Elberta~~
- ~~19. WALVERN IRWIN, Farmer, Gateswood~~
- 20. GILBERT COOPER, Farmer, Rosinton D<sup>1</sup>
- ~~21. TED W. COOPER, Farmer, Rosinton D<sup>2</sup>~~
- ~~22. CHARLES J. EBERT, Real Estate, Foley D<sup>4</sup>~~
- ~~23. ALTON E. HANKINS, Farmer, Rosinton~~
- ~~24. FLOYD BOONE, Farmer, Gateswood~~
- ~~25. J. C. MORRIS, Farmer, Gateswood~~
- 26. HENRY E. YENNE, Farmer, Point Clear
- ~~27. RALPH GANETT, Farmer, Little River S<sup>5</sup>~~
- 28. Y. A. COX, JR., Store Work, Stockton S<sup>3</sup>
- ~~29. JOHN BLOCHT, Farmer, Elberta D<sup>5</sup>~~
- 30. BRUCE WILLIS, Forester, Millin D<sup>2</sup>
- ~~31. MARVEN BERGLIN, Creamery, Fairhope S<sup>1</sup>~~
- ~~32. HANNIS BEAD, 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<sup>3</sup>~~
- ~~38. CHESTER A. STAPLETON, Merchant, Bay Minette~~
- ~~39. WILLIAM A. MILES, Barber, Bay Minette~~
- ~~40. PIERCE HOLMES, Electrician, Stockton~~
- ~~41. ORRRE COGHLAN, Stockman, Tensaw S<sup>4</sup>~~
- ~~42. FRANCIS B. SMITH, Merchant, Tensaw S<sup>2</sup>~~
- ~~43. DOCK GANEY, Farmer, Tensaw~~
- 44. J. CLEO BOOTHE, Carpenter, Fairhope
- ~~45. WOODROW BISHOP, Farmer, Fairhope D<sup>3</sup>~~

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THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

Sub No. \_\_\_\_\_

Case No. 1058

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 7<sup>th</sup> day of Dec, 1948, 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 E. Morgan

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 27<sup>th</sup> day of Nov A. D. 1948 Mrs R. S. DUCK, Clerk.

Received in office 11.26, 19448  
Executed this 12-3, 19448  
By Amey in final

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

Jayla Wrekin  
O. H. Z. Hall Sheriff

Deese J. Leuch  
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*  
*J. W. Hare, Judge*

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.

*Given*  
*F. W. Hard, 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.

*Givens F. W. Hare, Judge*

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.

*Given  
F. H. Hare  
Judge*

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. 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 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.

1058 ✓

**CAPIAS**

No. 70

**THE STATE**

vs.

**THOMAS E. MORGAN**

Bail Fixed in This Case in Open Court at

\$ 500.00

By F. W. Hare  
Judge Presiding.

Attest: Alice J. Luck  
Clerk.

Executed this 22 day of Nov, 1948

By arresting the within

named Defendant

Thomas E. Morgan

and placing him under bond

Leola Wilkins, Sheriff

\_\_\_\_\_, Deputy Sheriff

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.

Taken and approved this the 22 day of \_\_\_\_\_

Thomas E. Morgan (Seal)

A. J. Hargis (Seal)

Ray J. Shaffer (Seal)

Alvin G. Hargis (Seal)

Ray J. Shaffer (Seal)

Saylor Wilkins, Sheriff

By \_\_\_\_\_, Deputy Sheriff

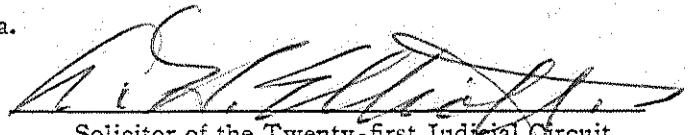
THE STATE OF ALABAMA,  
Baldwin County

Circuit Court, Fall Session ~~Term~~, 194 8

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 ~~1947~~ 1948

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. Mullan*  
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 4<sup>th</sup> 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

*F. N. Stare*  
Judge.

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

*Thomas M. Morgan Jr.  
Juror.*

*[Vertical scribbles]*

THE STATE OF ALABAMA }  
Baldwin County. }

CIRCUIT COURT

SUB. No. \_\_\_\_\_

Case No. 105-6 Term, elle, 1938

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon George Hudson Mrs George  
Hudson F.A. Mc Laughlin Henry F. Aschebeck  
a. d. Lambert J.S. Luceell G.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

ORIGINAL

For \_\_\_\_\_

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court

THE STATE  
Vs.

STATE SUBPOENA

Issued this \_\_\_\_\_ day of

\_\_\_\_\_, 19348

Clerk.

Layla Wilkins  
Jorie B. Huff Sheriff.  
D.S.