

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 S?~~
- ~~3 J. D. Little, farmer, Lottle S?~~
- 4 W. J. McKenzie, farmer, Magnolia Springs
- ~~5 Turpin Baukester, railroad emp., Robertsdale D?~~
- 6 Riley Weeks, carpenter, Foley
- 7 Wallace Parker, mill, Stockton
- 8 Charles Coghlan, logging, Latham
- ~~9 Frank E. Sanders, banker, Foley S?~~
- ~~10 Louis Lysek, carpenter, Magnolia Springs~~
- ~~11 Ernest M. Howell, Utilities, Foley~~
- 12 John P. Bertolla, farmer, Loxley
- ~~13 Thomas Hawkins, bookkeeper, Bay Minette S?~~
- 14 Hurley Ard, farmer, Robertsdale
- ~~15 Silas D. Powers, farmer, Bon Secour S?~~
- ~~16 Claude Ruple, farmer, Bay Minette S?~~
- ~~17 Brad Neimier, merchant, Fairhope~~
- ~~18 Eugene Koentle, car dealer, Foley~~
- 19 J. Douglas Waters, farmer, Gateswood
- ~~20 John Keifer, merchant, Elberta S?~~
- ~~21 Holly Rains, farmer, Daphne S?~~
- ~~22 William J. Russell, mechanic, Daphne~~
- 23 Floyd Marshall, farmer, Robertsdale
- ~~24 Charles L. Mathews, F. C. A., Robertsdale D?~~
- ~~25 Howard Brooks, barber, Robertsdale S?~~
- ~~26 John Murphy McMullan, mill man, Stockton~~
- ~~27 Harry Still, dealer, Bay Minette S?~~
- ~~28 Peter Malbis, farmer, Daphne~~
- ~~29 Louis B. Underwood, farmer, Summerdale S?~~
- ~~30 Mike Kaiser, Sr., farmer, Elberta S?~~
- ~~31 Walter Krueger, Dutane Dist., Foley~~

1079

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. Graham (Seal)
Ed. Marshall (Seal)

_____ (Seal)

Taken and approved this the 4 day of Dec 1948

Taylor Wilkins, Sheriff
By Freddie 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

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. Fulston

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

Alice J. Duck 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:

R. P. Fulton

this 7 day of March, 1949

Joyla Wilkins, Sheriff

H. H. [unclear]
P.S.

AFFIDAVIT

IN THE JUSTICE COURT OF

STATE OF ALABAMA,
BALDWIN COUNTY

T.C. / *Hand*

Before me, *T.C. / Hand*, Justice of Peace

in and for said County, personally appeared *A. P. Sutton* 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. 194*8*

P. Hand, J. P.

A. P. Sutton

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*, 194*8*

P. Hand, J. P.

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. P. Fulton
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
We, *John C. Graham*

COURT OF

Baldwin

COUNTY

Principal,

and

sureties, agree to pay to the State of Alabama

Dollars,

unless the said

John C. Graham
one hundred

appears before the

90th
Nov

Court of

Baldwin

County on the

27th

day of

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

Reckless 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 _____

194

A.P. Austin
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.

Nard

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. Howard
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, 19 48, 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. 19 48

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

Executed in full, this the

25 day of

Nov, 1948

Taylor Wilkins
Sheriff.
Zoeir B. Griffin
Deputy Sheriff.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

SPRING SESSION

TEXT, 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

W. J. Ruck 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. Ruck Clerk.

Bail fixed \$ 250.00

J. 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
Sven
DeFair J. Marlbury, 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. Marshburn, 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
Selfairg. Madbury, N.H.
Judge.

24 I charge you Gentlemen of the jury that the burden is on the state to convince you of the 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
Cronce
Deputy of Masbury
Judge

45 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 or given
Selfairy. Modbury,
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. J. Maddever, 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. Marlborough, 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 - ~~Refused~~
J. Fair J. Marlbury, 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} J. H. S. Markberry, 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. CLAY BYRD
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 accord-
ing to law

Dated this 24 day of March, 1949

Chief 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 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.

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

Jaylor Wehans, Sheriff
Zacarie B. Giff Deputy Sheriff

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, 19 49 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 _____, 19_____, _____, Baldwin County, Ala.

John C. Graham (Seal)
M. A. Nelson (Seal)
J. E. Nelson (Seal)
_____ (Seal)

Taken and approved this the 29 day of March, 19 49

Taylor Weikins, Sheriff
By Zeddie B. Griffin, Deputy Sheriff

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 warrant of</i>	Continuance at 25c	
<i>arrest issued and executed. defendant</i>	Trial of Misdemeanor at \$1.00	
<i>trial was set for 27 November 1948 at</i>	Mittimus at 25c	25
<i>which time the defendant appeared</i>	Judgment on Forfeited Bond at 25c	
<i>and requested his case be continued</i>	Taking Bond, etc., on Appeal at \$1.00	1.00
<i>to 4 December 1948. On this date the</i>	Execution of costs at 25c	.25
<i>defendant appeared with a demand</i>	CONSTABLE'S FEES Subpoena or Notice at 25c	1.00
<i>for trial by jury. defendant was</i>	Garrying Defendant before Justice,	
<i>released upon making a bond</i>	each mile for himself and guard at 10c	.50
<i>pending his hearing before a</i>	Arrest, 50c 2.00	2.00
<i>jury.</i>	SHERIFF'S FEES Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	
<i>G. S. Laird</i>	Committing, \$1.00; Releasing, \$1.00	
<i>Justice of Peace</i>	Subpoenas at 25c & Day's Board at 30c	.50
	WITNESS FEES	
	Days at 50c	
	50c	
	50c	
	50c	
	50c	
	50c	
	50c	
	50c	
	50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

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