

1094

THE STATE OF ALABAMA,  
Baldwin County

} Circuit Court, Spring Session, 1949

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

John W. Berry, whose name is to the Grand Jury otherwise unknown, did unlawfully operate a motor vehicle upon a highway in Baldwin County, State of Alabama, without a drivers license,

against the peace and dignity of the State of Alabama.

*Kenneth Casper*  
Solicitor of the Twenty-eighth Judicial Circuit.

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

THE STATE OF ALABAMA,  
Baldwin County

Circuit Court

SPRING Session, 194 9

THE STATE

Vs.

JOHN W. BERRY

INDICTMENT

NO DRIVERS LICENSE  
NO Prosecutor.

WITNESSES:

A. R. PHILLIPS

J. F. HAMMOND

GRAND JURY NO. 51

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, 194 9

*Alice J. Leach* 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. Leach*  
Clerk.

Bail fixed \$ 150.00

*Julian J. Masliburn, Jr.*  
Judge.

THE STATE OF ALABAMA, }

Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

John H. Berry

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

No Drivers License

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law

Dated this 24 day of March, 1949

Oliver 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.

C Corp Phillips  
2723 Fallington St  
Mobile

**CAPIAS** 1094

No. 51

**THE STATE**  
vs.

John H. Berry  
4 o'clock at Watermain

Bail Fixed in This Case in Open Court at  
\$150.00

By Walter J. Washburn  
Judge Presiding.

Attest: Alvin J. Duck  
Clerk.

*[Handwritten notes and signatures in the bottom left corner]*

Executed this 3 day of May, 1949

By arresting the within  
named Defendant

and placing him in Jail

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

Harold Keady Deputy Sheriff

mol' to 60 men

THE STATE OF ALABAMA,  
Baldwin County

We, John W. Berry, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One hundred & Fifty DOLLARS unless the said John W. Berry appear at the Next 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 No Drivers License

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.

J. W. Berry (Seal)  
Alvin D. Harvey By R. J. Foster *clerk in fact* (Seal)  
A. F. Harvey By R. J. Foster *clerk in fact* (Seal)

\_\_\_\_\_, Baldwin County, Ala. (Seal)

Taken and approved this the 14<sup>th</sup> day of May, 1949

Taylor Wilkins, Sheriff

By John Wilkins, Deputy Sheriff

No. 1094

THE STATE OF ALABAMA,  
BALDWIN COUNTY

COURT

SHERIFF'S OFFICE

The State

vs.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed

, Clerk

Mobile, Alabama  
858 No. Carolina St.  
October 6, 1949

State Solicitor  
Bay Minette, Alabama

Dear Sir:

This is to advise that one John W. Berry is working for me at this time. I hired him as a truck driver several months ago, therefore it is very essential that he have his drivers license, otherwise, I can't use him, and he will be out of a job.

Yours truly  
B. J. Reid Contracting Co.  
By: H. P. Towns, Supt.

P.S. All of our work at present is in the City of Mobile.

STATE OF ALABAMA }  
BALDWIN COUNTY }

No 1171

Case No. 51

IN THE Circuit COURT OF  
BALDWIN COUNTY, ALABAMA

The State of Alabama

vs.

John W. Berry

Before me, Alice J. Dick, Clerk of the Circuit Court of

Baldwin County, Alabama, personally appeared Taylor Wilkins, who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the case of the State of Alabama vs.

John W. Berry 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 60 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

Mobile on line

Taylor Wilkins

Sheriff

Subscribed and sworn to before me this 4 day of May 19 49

Disposition of Case

Clerk Circuit Court

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 \$\_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Judge of the above named court



STATE OF ALABAMA,  
Baldwin County.

IN THE JUSTICE COURT OF  
H. E. MILLS

Before me, H. E. MILLS, Justice of the Peace

in and for said County, personally appeared A. P. Phillips 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 Dec. 24 that one John W. Berry  
operated a vehicle on the Highway  
in Baldwin Co. without a drivers  
license.

\_\_\_\_\_ against the peace and dignity of the State of Alabama \_\_\_\_\_

Sworn to and subscribed before me this 24  
day of Dec., A.D. 19 48  
H. E. Mills, J.P. A. Russell Phillips

WARRANT

STATE OF ALABAMA }  
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest John W. Berry  
and bring him  
before me to answer the State of Alabama on a charge  
No Drivers license.

\_\_\_\_\_ and have you then and there this writ with your return thereon \_\_\_\_\_  
Witness my hand this 24 day of Dec., 19 48 H. E. Mills, J.P.

*Arrested Jerry*

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

**THE STATE OF ALABAMA**

BALDWIN COUNTY

JUSTICE COURT OF

H. E. MILLS

**AFFIDAVIT**

THE STATE OF ALABAMA

vs.

*John W. Berry*

WITNESSES FOR THE STATE:

*A. R. Phillips*  
*J. S. Hammond*

JUSTICE COURT OF  
**BALDWIN COUNTY**

**WARRANT OF ARREST**

THE STATE OF ALABAMA

vs.

*John W. Berry*

Executed this *31* day of *Dec*, 19 *48*

By arresting the within

named Defendant

and placing him *in jail*

*A. Russell Phillips*  
*A. N. I.*  
Deputy Sheriff

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

APPEARANCE BOND

THE STATE OF ALABAMA }  
Baldwin County

THE Justice COURT OF Baldwin COUNTY  
We, John W. Berry Principal,

and

sureties, agree to pay to the State of Alabama  
One Hundred (\$100.00) Dollars,

unless the said John W. Berry  
appears before the Circuit Court of Baldwin County on the \_\_\_\_\_ day of  
Next term 194 9, 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

No Drivers license

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 12 day of Mar. 194 9

Approved this the 12 day of  
Mar., 194 9

By H.E. Miles  
Arresting Officer.

Sign Top Line	NAME	ADDRESS
<input checked="" type="checkbox"/>	<u>John W. Berry</u> (L. S.)	_____
<input checked="" type="checkbox"/>	<u>J. M. Reed</u> (L. S.)	_____
<input checked="" type="checkbox"/>	<u>John F. Thomas</u> (L. S.)	_____
<input type="checkbox"/>	_____ (L. S.)	_____

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.

This is a good and sufficient bond and if presented to me in my County would be accepted by me.

W.H. Holcombe, Sheriff

By *W.H. Holcombe* D.S.

NO. \_\_\_\_\_

THE \_\_\_\_\_ COURT OF

\_\_\_\_\_ COUNTY

THE STATE

vs.

BOND

Filed \_\_\_\_\_

Sheriff.

By \_\_\_\_\_

Deputy Sheriff.

THE STATE OF ALABAMA

~~Mobile~~ County

Baldwin/

We John W. Berry

A.F. Harvey

and Alice G. Harvey

agree to pay the State of Alabama

One Hundred Fifty Dollars

unless the said

John W. Berry

appear at the

Jan 1, 1949 Justice Mill 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

No Drivers License

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 26 day of Dec, 1948

Taylor Weeks Sheriff

Zoe B. Giff Deputy

J. W. Berry (L. S.)

A. F. Harvey (L. S.)

Alice G. Harvey (L. S.)

THE STATE OF ALABAMA }  
County of Mobile }

Personally appeared before me, \_\_\_\_\_, Sheriff of Mobile County

who, being duly sworn, doth depose and say that \_\_\_\_\_ is a resident of the State of Alabama, County of Mobile, a  
householder and freeholder therein and that \_\_\_\_\_ is worth, exclusive of property exempt from execution,  
and also over and above all just debts and liabilities, the amount expressed in this undertaking.

Subscribed and sworn to before me, this \_\_\_\_\_

day of \_\_\_\_\_, 194\_\_\_\_\_

Sheriff of Mobile County.

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 same was presented to me in Mobile County, I would accept same.  
This the 25th day of Dec. 1948

*W. H. Holcombe*  
\_\_\_\_\_  
W.H. HOLCOMBE, Sheriff of  
Mobile County, Alabama  
*By H. C. Hall D. S.*  
\_\_\_\_\_

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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No.	Vs.	
	<i>John W. Berry</i>	<i>No Drivers License</i>

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>A. R. Phillips</i>	<b>JUDGE'S FEES</b> Warrant at 50c, Affidavit at 25c.....	<i>75</i>
Returnable	Bond at 50c, Sci. Fa. at 50c.....	<i>50</i>
Witness—For State <i>A. R. Phillips - J. E. Hammond</i>	Witnesses' Recognizances at 25c.....	
	Subpoena or Notice at 25c.....	
	Continuance at 25c.....	<i>75</i>
<i>Defendant asks for trial by jury - Bond set at \$10000</i>	Trial of Misdemeanor at \$1.00.....	
<i>Bond made by Defendant for appearance at next term of Circuit Court</i>	Mittimus at 25c.....	
	Judgment on Forfeited Bond at 25c.....	
	Taking Bond, etc., on Appeal at \$1.00.....	
	Execution of costs at 25c.....	
	<b>CONSTABLE'S FEES</b> .....Subpoena or Notice at 25c.....	
	Carrying Defendant before Justice, each mile for himself and guard at 10c	
	Arrest, 50c.....	
	<b>SHERIFF'S FEES</b> Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c.....	
	Committing, \$1.00; Releasing, \$1.00.....	<i>200</i>
	Subpoenas at 25c Day's Board at 30c	
	<b>WITNESS FEES</b> ..... Days at 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	..... " 50c.....	
	<b>DEFENDANT'S COSTS</b> ..... Witnesses' Recognizance at 25c.....	
	..... Subpoenas at 25c.....	
	..... Executing..... Subpoenas.....	

*H. E. Miles*

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