

1454

INDICTMENT

THE STATE OF ALABAMA }
Baldwin County.

Circuit Court, Spring Session, 1952

1. The Grand Jury of said County charge that before the finding of this indictment Frank Foley, whose name is to the Grand Jury otherwise unknown, did drive or move a vehicle on U. S. Highway 90, a public highway in Baldwin County, Alabama, which vehicle was equipped with low pressure or balloon tires and carried a wheel load in excess of nine thousand pounds, against the peace and dignity of the State of Alabama.
2. The Grand Jury of said County charge that before the finding of this indictment Frank Foley, whose name is to the Grand Jury otherwise unknown, did drive or move on U. S. Highway 90, a public highway in Baldwin County, Alabama, a vehicle equipped with low pressure or balloon tires carrying a rear axle load in excess of eighteen thousand pounds, against the peace and dignity of the State of Alabama.
3. The Grand Jury of said County charge that before the finding of this indictment Frank Foley, whose name is to the Grand Jury otherwise unknown, did drive on U. S. Highway 90, a public highway in Baldwin County, Alabama, a vehicle carrying an axle load in excess of eighteen thousand pounds.

against the peace and dignity of the State of Alabama.

WILLIAM R. LAUTEN
Solicitor of the Twenty-Eighth Judicial Circuit.

No. _____

Circuit Court

Spring..... Session, 19...52.....

THE STATE

Vs.

FRANK FOLEY.

INDICTMENT

Overweight Truck

70 Prosecutor.

WITNESSES:

Gene Curtis

E. E. Smith

C. E. Jarvis

J. H. Darby

R. O. Russell.

GRAND JURY NO. 40

A TRUE BILL

W R Lapscomb
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 26th day of
March, 1952.

..... Lucifer Newck, Clerk

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

the presence of 17 other Grand Jurors.

.....
Clerk.

Bail fixed \$200 ⁰⁰/_{xx}.....

Jessie J. Marblebury, Jr.
Judge.

1454
AFFIDAVIT

Printed by Moore Ptg. Co.

The 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 E. E. Smith 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 Jan 21 - 1952 that one Frank Foley

did operate a truck that was
overweight

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 21

day of Jan A. D., 1952
H. E. Mills, J. P.

E. E. Smith

WARRANT

THE STATE OF ALABAMA,
Baldwin County

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest

Frank Foley and bring him

before me to answer the State of Alabama on a charge

overweight truck

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

Witness my hand this 21 day of Jan, 1952
H. E. Mills, J. P.

Mittimus or Commitment

To the Jailer of Baldwin County:

THE STATE OF ALABAMA,
Baldwin County.

On complaint of

charging

with the offense of

it appearing that such offense has been committed, and that there is sufficient cause to believe that

has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this _____ day of _____, 195____

Justice of the Peace.

No. _____ Page _____

State of Alabama,
Baldwin County

Justice Court of
H. E. MILLS

AFFIDAVIT

The State of Alabama,
vs.

Frank Foley

Witnesses for the State:

J. C. Whidden
Gene Curtis

Justice Court of
BALDWIN COUNTY

Warrant of Arrest

THE STATE OF ALABAMA,
vs.

Frank Foley

Executed this *21* day of *Jan* 195*2*

By arresting the within

named Defendant

and placing him

under Bond

C. E. Jones, Sheriff

_____, Deputy Sheriff

Criminal Docket _____

No. _____ Page _____

The State of Alabama,
Baldwin County

Justice Court of
H. E. MILLS

THE STATE OF ALABAMA,
vs.

MITTIMUS

THE STATE OF ALABAMA,
Baldwin County.

I, _____
a Justice of the Peace in and for said State and
County, do and hereby certify that _____

the Defendant, is required to give bail in the sum
of \$ _____ for his appearance at the
195__ Term of the _____

Court of _____ County, Ala.

Given under my hand this the _____
day of _____, 195__

_____, J. P.

1454
STATE OF ALABAMA

Baldwin County

Case No.

No.

3395

The State of Alabama

vs.

In the

Circuit Court of
Baldwin County, Alabama

Before me, W. D. Quab, Clerk of the 1st 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 above case, 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 40 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, Lehigh

J. S. Wilkins Sheriff

Subscribed and sworn to before me this 30 day of April 1952

Disposition _____ 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 _____ 195 _____

Judge of the above named court

787

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

County

THE

COURT OF

Baldwin COUNTY

We, Frank S. Foley

Principal,

and

sureties, agree to pay to the State of Alabama

Frank S. Foley

One Hundred

Dollars,

unless the said

appears before the

J. P.

Court of

Baldwin

County on the

26

day of

Jan.

1952

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

Overweight

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

21

day of

Jan.

1952

Approved this the

21 day of

Jan., 1952

Sign Top Line

NAME

ADDRESS

F. S. Foley

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Arresting Officer.

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.

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AHP- 4

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 } THE Justice COURT OF Baldwin COUNTY
Baldwin County } We, Frank Foley Principal,
 and Charles Adams

Three Hundred (\$300.00) sureties, agree to pay to the State of Alabama
 Dollars,
 unless the said Frank Foley

appears before the Circuit Court of Baldwin County on the — day of
Next term 1945, 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

Overweight Truck

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 26 day of Jan 1945

Sign Top Line	NAME	ADDRESS
Approved this the <u>26</u> day of <u>Jan</u> , 194 <u>5</u>	<u>Frank Foley</u> (L. S.)	<u>Lovely Ala</u>
<u>H. Mills</u> (Arresting Officer)	<u>Charles Adams</u> (L. S.)	<u>312 Second St.</u>
	<u>S. B. Adams</u> (L. S.)	<u>Chickasaw, Ala.</u>
By <u>Justice</u>	<u>Co.</u> (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.

CAPIAS

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Frank S. Foley

at the Spring Term, 1952 of the Circuit Court of Baldwin County, for the offense of

overweight truck

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

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

Dated this 27th day of March, 1952

W. J. [Signature]
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 the State of Alabama.

Witness our hands and seals this _____ day of _____, 19_____

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 19_____

Sheriff of Baldwin County.

#1454

CAPIAS

No. 40

THE STATE

vs.

Frank S. Foley
Laxley

Bail Fixed in This Case in Open Court at

\$ 200⁰⁰

By W. J. M. M. M. M.
Judge Presiding.

Attest: _____
Clerk.

Charles A. Adams
312 Second St.
Chickasaw Ala

Executed this 30 day of April, 1952

By arresting the within

named Defendant

Frank S. Foley

and placing him on Bond

Taylor Williams, Sheriff

Edmund S. Stedman, Deputy Sheriff

Laxley

13'
13'
25'
13'
175'

1957

Appearance Bond.

Printed by Moore Ptg. Co.

THE STATE OF ALABAMA, {
Baldwin County

We, Frank S. Foley, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
Two Hundred Dollars \$2.00 00 DOLLARS
unless the said Frank S. Foley appears at the
next Term, 1955 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 Bar Weight Truck

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.

F S Foley L. S.

E E Adams L. S.

E E Adams L. S.

E E Adams L. S.

Taken and approved this the 30 day of April 1952

Taylor W. Walker Sheriff

By Edmund Steadman Deputy Sheriff

1454

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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No.	Vs.	
	Frank Foley	Overweight Truck
	W. M.	

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>C.E. Jarvis</i>	JUDGE'S FEES	
Returnable	Warrant at 50c, Affidavit at 25c	75
Witness—For State <i>Gene Curtis - E.E. Smith</i>	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 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	
	Committing, \$1.00; Releasing, \$1.00	
	Subpoenas at 25c Day's Board at 30c	
	WITNESS FEES	
	Days at 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

Tril by jury demanded
Bond set + made at
\$300.00 for appearance at
Circuit Court

L. Miller

40

1000 1000 1000

1000 1000 1000

1454

FILED

JAN 29 1952

Alice I. Duck, Clerk