WARRANT AND AFFIDAVIT

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN THE JUSTICE COURT OF
J. M. Franklin

Before me, J. M. Franklin, Justice of the Peace

in and for said County, personally appeared Frank Adams

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 November 20th, 1941, that one Mary Miller is a fugutive from Justice from the State of New York

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this

20th day of Nov A. D., 1941

Frank Adams

J. M. Franklin J. P.

THE STATE OF ALABAMA,
Baldwin County

TO ANY LAWFUL OFFICER OF SAID COUNTY—GREETINGS:

You are hereby commanded to arrest Mary Miller

and bring her before me Inatanter

the State of Alabama on a charge Fugutive from Justice

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

Witness my hand this 20 day of November, 1941

J. M. Franklin J. P.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF

J.M.Franklin

THE STATE
vs.

Mary Miller

WARRANT AND AFFIDAVIT

WITNESSES FOR THE STATE:

~~Mary Miller~~ Frank Adams,

M.B.Hamilton,A.P.Pruitt

B.F.Kucera,W.R.Stuart

Moore Printing Co., Bay Minette, Ala.

Executed this 20 day of Nov 1941

By arresting the within

named Defendant

Mary Miller

and placing her in Jail

W.R. Stuart
Sheriff

D. S.

26

Es. Porte: LANKA ADAMS)
) IN THE CIRCUIT COURT OF BALDWIN COUNTY,
HABEAS CORPUS) ALABAMA.

RETURN TO WRIT:

TO THE HON. F. W. HARE, JUDGE of Said Court:

Now comes W. R. Stuart, Sheriff of Baldwin County, Alabama, in his capacity as such officer, and for return and answer to the writ of habeas corpus directed to him by your Honor, in the above matter, on the 24th day of November, 1941, says as follows:

FIRST

That he produces herewith in open court before your Honor, the body of said LANKA ADAMS, known to him also as Mary Miller and as Linka Adams, as directed in said writ;

SECOND

That he has said LANKA ADAMS in his custody and is detaining her under and by virtue of a Governor's Warrant, issued by Hon. Frank M. Dixon, Governor of Alabama, on the 29th day of November, 1941, commanding him to arrest the said LINKA ADAMS and deliver her into the custody of TIMOTHY L. COLLINS, the duly authorized agent of the State of New York, said Governor's Warrant being submitted to your Honor herewith and made a part of this return.

Respectfully submitted, this the 1st, day of December, 1941.

W. R. Stuart
Sheriff of Baldwin County, Alabama.

le

EXPORTE: LANKA ADAMS

HABEAS CORPUS

RECORDED

Return of W. R. Stuart,
Sheriff.

Filed Dec. 1. 1941.

R. Deck

Clerk

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19 41

To the Clerk of the Circuit *Court*

of Baldwin *County—Greeting:*

Whereas, the Record and Proceedings of the Circuit *Court of said county, in a certain cause lately pending in said Court between*

Linda Adams, alias, *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* 12th *day of* May 19 42, *that said judgment of said* Circuit *Court be in all things affirmed, and that it was further considered that the appellant*....., ~~and~~

pay the costs 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 12th *day of* May, 19 42.

Charles Bricken Jr.

Clerk, Court of Appeals of Alabama.

238
Cuel

THE COURT OF APPEALS OF ALABAMA

October Term, 19 41

1st *Div., No.* 414

Linkar Adams, alias
Appellant,

vs.

The State
Appellee.

From Baldwin Circuit *Court.*

CERTIFICATE OF AFFIRMANCE.

THE STATE OF ALABAMA,
Baldwin County.

Filed this May 13 day of
May 1945
R. Adams,
Clerk

BROWN PRINTING CO., MONTGOMERY, ALA., 1934

STATE OF ALABAMA,

BALDWIN COUNTY.

TO W. R. STUART, SHERIFF OF BALDWIN COUNTY, ALABAMA, AND HIS AUTHORIZED DEPUTIES AND EACH OF HIS AUTHORIZED DEPUTIES, SEPARATELY AND SEVERALLY:

You are hereby commanded to have andproduce the body of Lanka Adams who was arrested by you under the name of Mary Miller, and who is alleged to be detained by you, by whatsoever name the said Lanka Adams is known or called, before me the 27th day of November, 1941 at 1:30 o'clock P. M., at Bay Minette, Ala., to do and receive what shall then and there be considered concerning the said Lanka Adams.

Dated this 24th day of November, 1941.

F. W. Hare

Judge of Twenty-first Judicial Circuit of Alabama.

5

WRIT OF HABEAS CORPUS

RECORDED

I hereby accept service of a copy of the within Writ this 25th day of November, 1941.

W R Smith
As Sheriff of
Baldwin County, Alabama.

STATE OF NEW YORK,
COUNTY OF RENSSELAER, CITY OF TROY, } ss.:

WARRANT FOR LARCENY

POLICE COURT OF THE CITY OF TROY

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To the Troy Police Force or any member thereof—Greetings:

Information upon oath of Lena Rady having this day been laid before me, the undersigned Police Justice of the City of Troy, in the County of Rensselaer, and the State of New York, that the crime of Grand larceny has been committed, and accusing Mary Miller, Polly Adams and George Miller thereof, and charging and alleging that said Mary Miller, Polly Adams and George Miller did, on or about the 5th day of July 1940, at the said City of Troy, in said County, feloniously steal, take and carry away from the possession of Lena Rady the following described property, to wit: lawful money of the United States in the amount and of the value of One Thousand dollars, the property of the said Lena Rady.

You are therefore commanded forthwith to arrest the above named Mary Miller, Polly Adams and George Miller and bring them before the Police Justice at his Court Room, in said City of Troy, or in case of his absence or inability to act, before the nearest or most accessible Justice in said County.

Dated at the City of Troy, N. Y., this 18th day of September 1941

James F. Byron
Police Justice of the City of Troy.

STATE OF NEW YORK,
County of ..... }

..... being duly sworn, says he resides in the City of Troy, Rensselaer County, New York, and that the name of JAMES F. BYRON, signed to the above warrant, is in the handwriting of said JAMES F. BYRON, who is the Police Justice of said City of Troy, and that said warrant was issued and signed by said Police Justice.

Sworn before me this ..... }
day of ..... 19..... }

.....

The within warrant may be executed in the County of

.....

Dated at the.....this

..... day of ....., 19.....

.....

.....

Arraigned ..... day of ....., 19.....

Plea ..... guilty.

Adjourned to ..... day of

....., 19....., at ..... o'clock ..... M.

Further adjourned to ..... day of .....

19....., at ..... o'clock ..... M.

Further adjourned to ..... day of .....

19....., at ..... o'clock ..... M.

.....

.....

.....

3

RECORDED

POLICE COURT OF THE CITY OF TROY

THE PEOPLE

against

Mary Miller, Polly Adams and George Miller

Warrant For Larceny

I hereby direct that the arrest on within warrant of Mary Miller, Polly Adams and George Miller named therein, be made on any day, and at any time during the day or during the night.

Dated at the City of Troy, this 18 day of September 1941.

James A. Lynn

Police Justice of the City of Troy.

By virtue of within warrant, I have arrested the within

.....

.....

and now have h.....before the Justice by whom said warrant was issued.

Dated Troy, this .....day

of.....19.....

.....

Policeman.

Civil Execution for Cost Against Plaintiff

Printed by The Baldwin Times

THE STATE OF ALABAMA, No. 720.
Baldwin County

CIRCUIT COURT

Feb. Term, 194 3

To Any Sheriff of the State of Alabama, Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of John Doe and Richard. Roe ~~SXXXX~~ Sureties. Plaintiff in the suit, you cause to be made the sum of Four hundred Two and 25/100 Dollars, costs of suit, created by said Plaintiff, for that, whereas, on the 1st day of Feb, 194 3, the said Plaintiff ~~recovered by the~~ Forfiture Made Final Judgment of the said Circuit Court of said County, against them, Defendant to the suit, the sum of $402 25. Dollars, besides Ninty Seven and 75/100 Dollars, costs of suit; upon which Judgment an Execution has been issued and returned by the Sheriff, "No property found."

AND HAVE YOU THAT MONEY ready to render to R S Duck. Clerk of said Court, and make return with this Writ and the Execution thereof, according to law.

Witness my hand this 1st day of Feb. 194 3

R S Duck Clerk

CLERK'S FEES		$	Cts	SHERIFF'S FEES		$	Cts
For every Summons and complaint	$1.25			For Levying an Attachment	$3.00		
Each copy thereof	30			Entering and Returning Attachment	25		
Entering a Sheriff's Return	20		20	Summoning Garnishee	1.50		
Docketing	25		25	Serving Summons on Writ	1.50		
Entering Apperance	20		40	Serving Notice Sci. Fa. Notice, etc.	65		
Filing	10		60	Serving Subpoenas	65		
Every Order made in Court	30		30	Empanelling Jury	75		
Copy thereof	25			Entering and Returning Execution	25		
Every Trial with or without Jury	75		75	Collecting Costs Execution	1.50		
Entering up Judgment or copy threof	30		30	Executing a Writ of Pessession	2.50		
Issuing Execution	50		50	Taking and Approving Bonds	1.00		
Docketing Execution	25			Commissions			
Entering Return on Execution	20		20	Sheriff's Commission for Property Sold Under Attachment			
Issuing Subpoenas 5	30	1	50	Seizing Personal Property on Writ of Detinue	3.00		
Administering Oath	25						
Issuing Each Attachment Taking Bond	1.00			RECAPITULATION			
Filing Attachment	10						
Each Summons for Garnishee	50						
Each copy	50						
Notice to Deft. in Garnishee on Summons and Copy, per 100 words	20			Clerk's Fees		36	35
Commissions to take Depositions or copy	75			Sheriff's Fees		31	50
~~Order to Execute Writ of Inquiry~~	~~30~~			Justice's Fees jmf			75
Copy of Interrogators, 15c per hundred words or	50			Witness Fees in Justice of Peace Court			
Filing each Deposition and endorsing same	20			Constable's Fees			
Final Record, per hundred words	15	4	50	Commissioner's Fees			
Every Certificate	50			~~Printer's Fees~~ S.o.l.		21	15
Taking Bond not otherwise provided for	75			Witness Fees in Circuit Court			
Witness Certificate	25			Former Clerk's Fees			
Continuance	10			Stenographer's Fees	5.00	5	00
Certificate of Judgment	50			Trial Tax	3.00	3	00
Order of Publication	1.00						
Transcript to Supreme Court		26	85			97	75
		~~36~~	35				

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within execution, I have at.....

~~o'clock, ...M.~~, this.....day of.....194..... ~~levied~~

Returned this the 1st day of February 1943 by collecting from the Sureties $500.00 the amount of the appearance bond, of which I deducted my fees $9.50 plus $22.00 Commission, making a total of $31.50 deducted. The $468.50 balance I turned over to R. S. Duck, clerk of Circuit Court.

W. R. Stuart, Sheriff
By M. B. Hamilton Jr.

..... Sheriff

COLLECTION COSTS FROM

The State of Alabama,
BALDWIN COUNTY

I hereby certify that the within..... and costs in this case are correct, and there was .....waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This .....day of ..... 194...

.....Clerk.

Received in office .....

.....194...

.....Sheriff

Sheriff's Execution Docket, Page .....

Sheriff's Fee Book, ...Page .....

No. 720. ..... Page .....

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Exparte Linka Adams.

Plaintiff...

vs.

Defendant...

Civil Execution for Costs Against Plaintiff

Costs - - - - - - - $ 97.75
Forft.
Civil Fee Book..... 102.27
Page .....
Execution Docket ..... Page $500.00

Filed Feb. ....., 194 3.

..... Clerk.

XXXX Hybart & Chason,
Plaintiff's Attorney

R L Jones,
Defendant's Attorney

A. H. ELLIOTT
ATTORNEY AT LAW
SOLICITOR 21ST JUDICIAL CIRCUIT
BREWTON, ALABAMA

January 8th, 1948.

Hon. Alice J. Duck
Register in Chancery
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith request for and Decree Pro Confesso in the cases of E. J. Roberts and Otto Peacher. You will have to examine the Court file and fill in the dates of the Decree Pro Confesso. I expect to send you final decrees in these two cases in the next day or so and will keep this up until I have cleared out the whole of the 24 slot machine condemnation cases now pending in your court. It takes time to write these up and I am not very good at typing.

Your friend,

A. H. Elliott.

EXHIBIT B

STATE OF NEW YORK,	)	WARRANT FOR LARCENY
COUNTY OF RENSSELAER, CITY OF TROY,	)	POLICE COURT OF THE CITY OF TROY

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To the Troy Police Force or any member thereof- Greetings:-

Information upon oath of Lena Radz having this day been laid before me, the undersigned Police Justice of the City of Troy, in the County of Rensselaer, and the State of New York, that the crime of Grand Larceny has been committed, and accusing Mary Miller, Polly Adams and George Miller thereof, and charging and alleging that said Mary Miller, Polly Adams and George Miller did, on or about the 5th day of July, 1940, at the said City of Troy in said County, feloniously steal, take and carry away from the possession of Lena Radz, the following described property, to-wit: lawful money of the United States in the amount and of the value of One Thousand Dollars, the property of the said Lena Radz.

You are therefore commanded forthwith to arrest the above named Mary Miller, Polly Adams and George Miller and bring them before the Police Justice of his Court Room, in said City of Troy, or in case of his absence or inability to act, before the nearest or most accessible Justice in said County.

Dated at the City of Troy, N. Y., this 18th, day of September, 1941.

James F. Bryon
Police Justice of the City of Troy.

4

RECORDED

POLICE COURT OF THE CITY OF TROY

THE PEOPLE

against

Mary Miller, Polly Adams and George Miller.

WARRANT FOR LARCENY

I hereby direct that the arrest on within warrant of Mary Miller, Polly Adams and George Miller, named therein, be made on any day, and at any time during the day or during the night.

Dated at the City of Troy, this 18th day of September, 1941.

James F. Bryon
Police Justice of the City of Troy.

TO THE HONORABLE R. L. JONES, CIRCUIT SOLICITOR OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA, OR H. M. HALL, COUNTY SOLICITOR OF BALDWIN COUNTY, ALABAMA:

You are hereby given notice that the above and foregoing matter will come on for hearing before the Honorable F. W. Hare, Circuit Judge of the Twenty-first Judicial Circuit of the State of Alabama, at 1:30 o'clock P. M. on the 27th day of November, 1941.

Hybart & Pearson
Attorneys for Petitioner.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO THE HONORABLE F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF THE STATE OF ALABAMA:

Now comes Lanka Adams and shows unto your Honor and unto this court as follows:-

That she is held in the County Jail of Baldwin County, Alabama at Bay Minette, Alabama, in the custody of W. R. Stuart, sheriff of Baldwin County, Alabama; that she is being restrained of her liberty; that she was arrested on November 20, 1941 by the said W. R. Stuart as sheriff of said County, under a warrant issued out of the Justice Court of J. M. Franklin, charging one Mary Miller as a fugutive from Justice from the State of New York, a copy of which warrant and affidavit being attached hereto marked Exhibit A and made a part hereof; that a warrant for the arrest of the said Mary Miller has also been issued by the Police Justice of the City of Troy, New York, a copy of this warrant also being attached hereto marked Exhibit B and made a part hereof. Your Petitioner shows unto your Honor that her name is not Mary Miller but that her name is Lanka Adams; that she is not the Mary Miller named in either of the warrants attached hereto, and that she is not a fugutive from Justice; that she was not in the City of Troy in New York State on July 5, 1940, the day on which the crime of larceny is supposed to have been committed as charged in the warrant.

Wherefore your Petitioner prays that a writ of Habeas Corpus be issued immediately directed to the said W. R. Stuart as Sheriff of Baldwin County, Alabama, commanding him to bring the body of your Petitioner before your Honor at a time and place to be by you appointed together with the cause of detention of Petitioner.

her
Lanka X Adams
Mark

Sworn to and subscribed before me this 24 day of November, 1941.

John Hasson
Notary Public, Baldwin County, Alabama.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 414

Luisa Cebaus, et al Appellant,

v.

The State 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 three *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 12 *day of* May, 19 62

Charles Bricken Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 414

Luisa Adams alias
Appellant,

vs.

The State
Appellee

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY, ALA., 1934

It was within his sound discretion to accept as true the testimony of the officers from New York rather than that of the appellant and her witnesses, all of whom appeared in open court and testified before him. The appellate court will not interfere to control that discretion unless it appears to have been exercised in an arbitrary, unjust or oppressive manner.

The contention that the case is affected by the fact that she was first held under a fugitive warrant naming her as Mary Miller does not impress us. The proof aside, that she was also known and called by this name, the warrant of the Governor of Alabama, as well as the indictment, designated her as Linka Adams (which she, herself, claims to be her correct name). As demonstrated hereinabove, the sheriff was authorized to detain her under this warrant of the Governor, and this irrespective of the other papers under which she had been previously held.

Nor do we think that her discharge is warranted because the pronoun he, instead of she, is used in the Governor's warrant. The State's witnesses identify her as the true person charged in the indictment and the warrant of extradition. This, in the end, must be the criterion.

The contention is also answered by the decision of this court, that the use of the masculine pronoun in designating the defendant, who is a woman, does not render an indictment defective. Taylor v. State, 20 Ala. App. 133, 101 So. 93. Answer is also found in the Code: "Words used in the masculine gender include the feminine and neuter." Code 1940, Title 1, Sec. 1.

Finding no reversible errors in the rulings below, the judgment is ordered affirmed.

AFFIRMED.

F. W. Hare, Circuit Judge of Baldwin County, and from his order, denying her release from custody of the sheriff, she appeals to this court.

The return of the sheriff to the writ of habeas corpus showed:

> "That he has said LINKA ADAMS in his custody and is detaining her under and by virtue of a Governor's warrant, issued by Hon. Frank M. Dixon, Governor of Alabama, on the 29th day of November, 1941, commanding him to arrest the said LINKA ADAMS and deliver her into the custody of TIMOTHY L. COLLINS, THE duly authorized agent of the State of New York, said Governor's warrant being submitted to your Honor herewith and made a part of this return."

The warrant of the Governor of Alabama (which the Reporter of Decisions will set out, omitting formal parts), exhibited with the return of the sheriff, is in substance identical with the warrants, heretofore approved as sufficient, in the cases of State v. Floyd Edward Shelton, Ala. App. Ms., 8 Div. 267; Pool v. State, 16 Ala. App. 410, 78 So. 407; State v. Parrish (Ala. Sup.) 5 So. 2d 828.

The principle was reaffirmed in the Shelton case, supra, that, "in proceedings as this, when the requisition warrant of the Governor of the asylum state contains the requisite jurisdictional recitals, a prima facie case is established for the legal detention of the prisoner."

Upon authority of these cases, and others of similar import, it must be held that the Governor's warrant in the case at bar, when exhibited with the sheriff's return, established a prima facie case for the legal restraint of the petitioner (appellant).

At the habeas corpus hearing, appellant sought to show, as she had a right to do, that she was not a fugitive from justice and was not the identical person named in the extradition warrant and the indictment upon which it was predicated. Upon this disputed question of fact, the trial judge ruled adversely to the contention of appellant and we think this ruling well supported by the evidence.

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1941-42

1 Div. 414

Linka Adams, alias

v.

State

Appeal from Baldwin Circuit Court.

SIMPSON, JUDGE.

Linka Adams is duly charged by indictment in the State of New York with grand larceny. The case pending before us originated in an extradition proceeding for her return to the State of New York, as a fugitive from justice (Code of Alabama 1940, Title 15, Sec. 48 et seq.), to answer said indictment.

She presented her petition for habeas corpus to Honorable

RECORDED

720

State of New York

"#

IN THE MATTER

-of-

Linka Adams

"#

APPLICATION FOR REQUISITION.

"#

Earle J. Wiley,
District Attorney,
Rensselaer County,
New York.

TO HIS EXCELLENCY
THE GOVERNOR

said Supreme Court to be hereunto affixed All which we have caused by these presents to be exemplified, the seal of our

WITNESS, PIERCE H. RUSSELL, Justice, at the City of Troy, the 27th day of November in the year of our Lord one thousand nine hundred and forty-one and our Independence the one hundred and sixty-six

Lawrence J. Collins Clerk.

I, PIERCE H. RUSSELL, a Justice of the Supreme Court of the State of New York, residing in the County of Rensselaer, do hereby certify that LAWRENCE J. COLLINS, whose name is subscribed to the preceding exemplification, is the Clerk of the said County of Rensselaer, and the Clerk of the said Supreme Court for said County, duly elected and sworn, and hath the keeping of all files, records and proceedings of said Court for said County of Rensselaer, and is by law the proper person to make out and certify to copies of all records and proceedings of said Court, and that full faith and credit is and ought to be given to his official acts. I further certify that the seal affixed to this exemplification is the seal of our Supreme Court, and the attestation thereof is in due form.

Dated Troy, N. Y., Nov. 27th 1941

Pierce H. Russell
Justice Supreme Court.

STATE OF NEW YORK,
RENSSELAER COUNTY CLERK'S OFFICE,

ss:

I, LAWRENCE J. COLLINS, Clerk of said County, and also Clerk of the Supreme Court of the said State, being a Court of Record held therein, do hereby certify, that PIERCE H. RUSSELL, whose name is subscribed to the preceding certificate, was at the time of signing said certificate, one of the Presiding Justices of the said Court for the Third Judicial District of the State of New York, dwelling in the City of Troy, in said County and State, duly commissioned and qualified, and that the signature of said Justice to the certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 27th day of November 1941

Lawrence J. Collins Clerk.

Copy

Supreme Court

RENSSELAER COUNTY

The People of the State of New York

against

Linka Adams

INDICTMENT

Grand Larceny First Degree.

Earle J. Wiley

District Attorney

A True Bill

.....

Foreman

Filed..... day of.....194.....

Arraigned.....day of .....194.....

Pleaded.....guilty in .....Court

Judge .....Presiding

Counsel .....

Bail fixed at $.....by Judge.....

Surety .....

.....

.....

.....

.....

.....

Trial had.....day of.....194.....

..... Court .....

Judge .....Presiding

Verdict of..... of.....

Sentenced.....day of .....194.....

To be imprisoned in the.....

.....

not less than.....years.....months,

minimum, and not more than.....years

.....months, maximum.

State of New York

Supreme Court

Rensselaer County.

"#

The People of the State of New York

against

Linka Adams,

Defendant.

"#

The Grand Jury of the County of Rensselaer, by this indictment, accuse LINKA ADAMS of the crime of GRAND LARCENY IN THE FIRST DEGREE, committed as follows:-

The said LINKA ADAMS on or about the 5th day of July, 1940, at the City of Troy, in the County of Rensselaer, stole, took and carried from the possession of Lena Radz certain property owned by said Lena Radz, to-wit :- the sum of One Thousand Dollars in currency of the United States, with intent to deprive the owner of said property and of the use and benefit thereof, and to appropriate the same to the use of said defendant.

Earl J. Wiley

District Attorney of the
County of Rensselaer.

TO THE SUPREME COURT, and

TO THE DISTRICT ATTORNEY OF THE COUNTY OF RENSSELAER.

State of New York
Rensselaer County. SS:

The return of George Rohn, District Attorney 's Officer of the County of Rensselaer, respectfully shows that he has searched throughout the said County of Rensselaer for the within named Linka Adams and has been unable to find her, that he believes that the said Linka Adams cannot with due diligence be found within the State of New York

Dated, Troy, N.Y. this 27th day of November, 1941.

George Rohn
District Attorney's Officer
of the County of Rensselaer.

State of New York
Rensselaer County SS:

I, Earle J. Wiley, District Attorney of the County of Rensselaer, do hereby verify that George Rohn whose name is signed to the foregoing return, was at the time of signing the same a District Attorney's Officer of the County of Rensselaer, and a peace officer in and for the said County, duly appointed, sworn, and authorized to execute warrants issued by the District Attorney, or any peace officer in said County; that I am well acquainted with the handwriting of said officer and verily believe the signature to said return is genuine.

Dated, Troy, N.Y., this 27th day of November, 1941.

Earle J. Wiley
District Attorney of the
County of Rensselaer.

County of Rensselaer.

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in this State.

AN INDICTMENT having been found on the 27th day of November nineteen hundred forty-one in the Supreme Court of the County of Rensselaer, charging Linka Adams with the crime of Grand Larceny in the First Degree

YOU ARE THEREFORE COMMANDED, forthwith to arrest the above named Linka Adams and bring him before that Court to answer the indictment; or if the court have adjourned for the Term, that you deliver him into the custody of the Sheriff of the county of Rensselaer, or the Jailor of the County of Rensselaer.

City of Troy, the 27th day of November, 1941

By order of the Court.

Earl J. Wiley

District Attorney of the County of Rensselaer.

I hereby certify that the above is a true copy of the original bench warrant issued in the above entitled matter.

Earl J. Wiley

District Attorney, Rensselaer County.

State of New York

"#

IN THE MATTER OF LINKA ADAMS

a fugitive from justice of this State.

"#"

State of New York
SS:
County of Rensselaer.

Earle J. Wiley being duly sworn, deposes and says:

That he resides in the City of Troy, County of Rensselaer and State of New York; that he is the District Attorney of the County of Rensselaer, New York; that said Linka Adams is a fugitive from justice from the State of New York and is within the State of Alabama, as deponent is informed and believes, the source of such belief is a telegram received by deponent from Bayminette, Alabama, to the effect that on the 26th day of November, 1941, the said Linka Adams was in Bayminette, State of Alabama, had been arrested and was located in the Jail in said Bayminette, Alabama.

Sworn to before me this
27th day of November, 1941.

Joseph B Mulholland
Notary Public
Rens. Co. N.Y.

Earle J. Wiley
District Attorney of the
County of Rensselaer.

State of New York

"##

IN THE MATTER OF LINKA ADAMS

a fugitive from Justice of this State.

"#

State of New York
SS:
County of Rensselaer.

Lena Radz being duly sworn deposes and says that she resides in the City of Troy, Rensselaer County, State of New York; that on the 5th day of July, 1940, at the City of Troy, in this County, the above named Linka Adams being within the State of New York and being on said date at the City of Troy, in this County, did feloniously steal, take and carry away from the possession of said Lena Radz, One Thousand Dollars in United State currency of the proper moneys, goods, chattels, wares, merchandise and of personal property of the said Lena Radz.

Deponent further states that she is the principal complaining witness, in the above entitled matter, and that this application for a requisiton is made in good faith and for the sole purpose of punishing the accused, and that it is not intended or desired to use the prosecution or to obtain the requisition for the purpose of collecting a debt, or for any private purpose and if a requisition is issued it shall not be used directly or indirectly for any such purpose.

Deponent is informed and verily believes that the said Linka Adams is forty-seven years of age and by occupation a fortune teller.

Sworn to before me this
27th day of November, 1941.

Joseph B Mulholland
Notary Public
Rens Co N.Y.

Lena Radz

faith for the sole purpose of punishing the accused, and that it is not intended or desired to use the prosecution or to obtain the requisition for the purpose of collecting a debt or for any private purpose, and if the requisition is issued it shall not be used directly or indirectly for any such purpose; also duplicate affidavits showing the age as near as may be of the accused, and that she was within the State at the time of the commission of the crime, and has since departed therefrom and is now within the State on whose Executive the requisition is to be made, and thatshe departed from this State on or about the 6th day of August, 1940.

Dated, Troy, N.Y. November 27, 1941.

I am, sir,

Very respectfully,

Earl J. Wiley

District Attorney of the County of Rensselaer.

E. That no other application has been made for a requisition for this fugitive growing out of the transaction from which the indictment herein originated.

F. That the fugitive is now under arrest as a fugitive from Justice from the State of New York, at the town of Bayminette, Alabama, where she can be readily apprehended should the requisition applied for, be granted.

G. That this application is not made for the purpose of enforcing collection of a debt, or for any private purpose whatever, and if the requisition applied for be granted the criminal proceedings shall not be used for any of the said objects.

H. That all the papers in duplicate herein have been compared with each other, and are in all respects exact counterparts.

I. That the fugitive is charged in an indictment duly found by the Grand Jury of Rensselaer County on the 27th day of November, 1941, with the commission of a felony under section 1294 of the Penal Law which provides as follows:- "A person is guilty of grand larceny in the first degree, who steals, or unlawfully obtains or appropriates, in any manner specified in this article:

1. Property of any value, by taking the same from the person of another in the night time; or

2. Property of the value of more than twenty-five dollars, by taking the same in the night time from any dwelling house, vessel, or railway car;

3. Property of the value of more than five hundred Dollars, in any manner whatever."

J. That not more than one year has elapsed since the commission of the offense charged in the indictment.

Certified copies in duplicate of the bench warrant issued for the fugitive's arrest, and duplicate original returns thereto together with a certified copy in duplicate of the indictment charging said fugitive with the crime of Grand Larceny in the First Degree, also duplicate affidavits of the principal complaining witness, to the effect that the application is made in good

OFFICE OF THE DISTRICT ATTORNEY OF
THE COUNTY OF RENSSELAER.

TO HIS EXCELLENCY, THE GOVERNOR:

SIR:

In compliance with your rules in reference to applications for requisitions on Governors of other states and territories, and the Chief Justice of the Supreme Court of the District of Columbia, I have the honor herewith to make application for requisition upon the Governor of the State of Alabama for LINKA ADAMS against whom an indictment has been found in this County, and a bench warrant issued thereon for the crime of Grand Larceny in the First Degree and who as appears from the annexed affidavit of Earle J. Wiley, who is a responsible person and entitled to credit, is a fugitive from Justice of this State and is now in the State of Alabama.

I HEREBY CERTIFY

A. That the full name of the person for whom extradition is asked is LINKA ADAMS, and the name of the person whom I hereby propose for designation as the agant of this State herein is Timothy L. Collins.

B. That in my opinion the ends of public justice require that the futitive be brought to this State for trial, at the public expense, and that I am willing that such expense be a charge of this County.

C. That I have as I believe, sufficient evidence to secure a conviction of the fugitive.

D. That the person named above as the agent is a County Detective of the County of Rensselaer, a public officer and proper person to be designated, and that he has no private interest in the arrest of the fugitive.

STATE OF ALABAMA

OFFICE OF

ATTORNEY GENERAL

TO THE GOVERNOR:

After examining the annexed application for

EXTRADITION

of LINKA ADAMS

and the accompanying documents thereto attached, I respectfully submit that in my judgment, such application is in due form, and complies with all the requirements of law.

Thomas Lawson
Attorney General.

ISSUED
NOV 29 1941
JOHN BRANDON
SECRETARY OF STATE

Dated at the Capitol, Montgomery, Alabama,

NOVEMBER 29, 1941

11/29/41
JB

BROWN PRINTING CO., MONTGOMERY, ALA. 1941

9101

IN THE NAME AND BY THE AUTHORITY OF THE

State of Alabama,

FRANK M. DIXON

GOVERNOR OF THE STATE

To any SHERIFF, CORONER, CONSTABLE or other OFFICER authorized by Law to make Arrests send GREETING:

Whereas, *His Excellency,* HERBERT H. LEHMAN *Governor of the State of* NEW YORK, *by requisition dated the* 27TH *day of* NOVEMBER 19 41 *has demanded of me, as Governor of the State of Alabama, the surrender of* LINKA ADAMS *who, it appears, is charged by* INDICTMENT & WARRANT, *in the county of* RENSSELAER *in said State, with the crime of* GRAND LARCENY *(a duly certified copy of which* INDICTMENT & WARRANT *accompanies said requisition) and it appearing that said* LINKA ADAMS *has fled from justice in said State and taken refuge in the State of Alabama.*

Now, Therefore, *I,* FRANK M. DIXON *Governor of the State of Alabama, in obedience to the Constitution and Laws of the United States and the Laws of the State of Alabama, do command you to arrest the said* LINKA ADAMS *if* HE *be found within the limits of this State, and to deliver* HIM *into the custody of* TIMOTHY L. COLLINS *the duly authorized Agent of the State of* NEW YORK *And of the execution of this warrant you will make due return to me.*

In Testimony Whereof, *I have hereunto set my hand and caused the great Seal of the State to be affixed at the Capitol, in the City of Montgomery, this* 29TH *day of* NOVEMBER *in the year of our Lord, One Thousand Nine Hundred and* FORTY-ONE *and in the One Hundred and* SIXTY-SIXTH *year of American Independence.*

Frank M. Dixon

GOVERNOR OF ALABAMA.

By the Governor,

John Brandon

SECRETARY OF STATE.

EXHIBIT A

THE STATE OF ALABAMA,) IN THE JUSTICE COURT OF
)
BALDWIN COUNTY.) J. M. FRANKLIN

Before me, J. M. Franklin, Justice of Peace, in and for said County, personally appeared Frank Adams, 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 November 20th, 1941, that one Mary Miller is a fugutive from Justice from the State of New York, against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 20th day of November, A. D., 1941.

J. M. Franklin, N. P. Ex-O, J. P.

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY LAWFUL OFFICER OF SAID COUNTY - GREETINGS:

You are hereby commanded to arrest Mary Miller and bring her before me Inatanter, the State of Alabama on a charge Fugutive from Justice and have you then and there this writ, with your return thereon.

Witness my hand this 20th day of November, 1941.

J. M. Franklin N. P. Ex-O, N.P.

TATE OF ALABAMA

Baldwin County

JUSTICE COURT OF

J. M. Franklin

THE STATE

VS.

Mary Miller

WARRANT AND AFFIDAVIT.

Witnesses for the State:

Frank Adams,
M. B. Hamilton,
A. P. Pruitt,
B. F. Kucera,
W. R. Stuart

Executed this 20 th day of

November, 1941

By arresting the within named

Defendant, Mary Miller,

and placing her in jail.

W. R. Stuart
Sheriff.

STATE OF NEW YORK
City of Troy, Rensselaer Co. Clerk's Office, } ss:

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I, Lawrence J. Collins, Clerk of said County, and also Clerk of the Supreme and County Courts, being Courts of Record held therein, do hereby CERTIFY, that

Joseph B Mulholland

whose name is subscribed to the annexed jurat, was at the time of signing the same, a NOTARY PUBLIC in and for said County, duly commissioned and sworn and authorized to administer oaths; that I am well acquainted with the handwriting of the said NOTARY, and verily believe that the signature to said jurat is genuine.

I do further certify that the seal of said NOTARY PUBLIC by whom the foregoing acknowledgment was taken is not required by law to be filed in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County, this 27 day of November A. D., 19 41

Lawrence J Collins Clerk.

FORM 1-1M-7-41

State of New York
City of Troy, County of Rensselaer, Clerk's Office }

I Hereby Certify, That I have compared the annexed copy Certificate of Indictment with the original thereof filed and recorded in this office on the 27th day of Nov., 1941, and that the same is a correct transcript therefrom and of the whole of said original.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, this 27th day of Nov., 1941.

Lawrence J Collins, Clerk.

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I, Lawrence J. Collins, Clerk of said County, and also Clerk of the Supreme and County Courts, being Courts of Record held therein, do hereby CERTIFY, that

Joseph B Mulholland

whose name is subscribed to the annexed jurat, was at the time of signing the same, a NOTARY PUBLIC in and for said County, duly commissioned and sworn and authorized to administer oaths; that I am well acquainted with the handwriting of the said NOTARY, and verily believe that the signature to said jurat is genuine.

I do further certify that the seal of said NOTARY PUBLIC by whom the foregoing acknowledgment was taken is not required by law to be filed in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County, this 27 day of November A. D., 19 41

Lawrence J Collins Clerk.