

EX PARTE,
JOSEPH BISHOP.

STATE OF ALABAMA :
BALDWIN COUNTY :

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIR-
CUIT COURT OF BALDWIN COUNTY, ALABAMA:

The petition of Joseph Bishop, who is under the age of 21
years, having been born on the 22nd day of June, 1930,
and who is a resident of Baldwin County, Alabama, respectfully shows
and represents unto your Honor:

FIRST

That he is now illegally restrained of his liberty and is
imprisoned in the County jail of Baldwin County, Alabama, at Bay
Minette in said County, by Taylor Wilkins, the Sheriff of said County,
the said Taylor Wilkins as Sheriff of said County restrains your
Petitioner under a warrant issued on the 10th day of May, 1949 by
T. C. Hand, Justice of the Peace, Baldwin County, said warrant being
founded upon an affidavit made by one Zollie B. Griffin, on the 10th
day of May, 1949, and your Petitioner respectfully shows unto your
Honor:

SECOND

That he is now illegally restrained of his liberty and is
imprisoned in the County jail of Baldwin County, Alabama, at Bay
Minette in said County, by Taylor Wilkins, the Sheriff of said County,
the said Taylor Wilkins as Sheriff of said County restrains your
Petitioner on a charge of "escaping jail", and your Petitioner re-
spectfully shows unto your Honor:

THIRD

That said warrant, which is founded upon said affidavit, is
void in that there is no offense charged against your Petitioner.

FOURTH

That he was bound over without probable cause, in that the said Justice of the Peace did not have probable cause for charging him with a crime and binding him over to await the action of the Grand Jury.

FIFTH

That your Petitioner has been assaulted with a dangerous weapon, assaulted with intent to murder, abused, mistreated, whipped, intimidated, and his constitutional rights violated by the said Taylor Wilkins, Sheriff of said County.

SIXTH

That the Petitioner is being held under excessive bail.

SEVENTH

Your Petitioner further shows that by reason of such unlawful detention that your Petitioner is being illegally restrained of his liberty and that he is illegally being imprisoned.

Your Petitioner prays that a writ of habeas corpus be issued, directed to said Taylor Wilkins, as Sheriff of Baldwin County, Alabama, commanding him to bring the body of your Petitioner, Joseph Bishop, before your Honor at the time and place to be by you appointed, together with the cause of Petitioner's detention.

Joseph Bishop

STATE OF ALABAMA :

BALDWIN COUNTY :

Before me Ara J. Nelson, a Notary Public, personally appeared Walter M. Cook, who after being first duly sworn deposes and says that he is the attorney of record for the Petitioner, and that the facts stated in said petition are true as he believes.

Walter M. Cook
WALTER M. COOK, ATTORNEY FOR PETITIONER

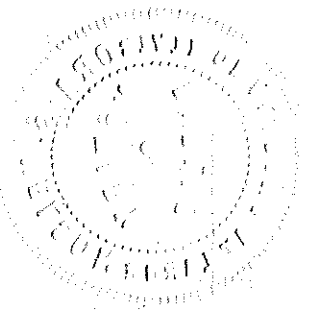
Sworn to and subscribed before
me this 6th day of June, 1949.

Ara J. Nelson
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA at Large
State of AL

W 1360

RECORDED

FILED
JUN 6 1949
ALICE J. DUCK, Clerk



EX PARTE,

JOSEPH BISHOP.

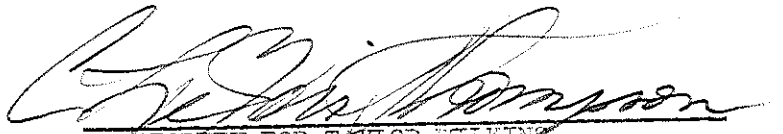
"MOTION TO DISMISS"

STATE OF ALABAMA §

BALDWIN COUNTY §

TO THE HONORABLE TELEFAIR J. MASBURN. JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA:

Comes TAYLOR WILKINS, Sheriff, to whom this writ was directed and
moves the dismissal of said cause on the grounds that said petition is
not verified as required by title 15, paragraph 4 of the Code of Ala-
bama, 1940.


ATTORNEY FOR TAYLOR WILKINS
and Deputy Circuit Solicitor

SECRET
NO FORN DISSEM

RECEIVED BY HONORARY

STATE OF TEXAS
LEGISLATIVE COUNCIL

JUN 7 1949
ALICE A. DICK, Clerk

TO THE HONORABLE SENATOR J. W. MCGUIRE, DALLAS, TEXAS
FROM THE HONORABLE SENATOR J. W. MCGUIRE, DALLAS, TEXAS

RECEIVED BY HONORARY
STATE OF TEXAS
LEGISLATIVE COUNCIL
JUN 7 1949
ALICE A. DICK, Clerk

RECEIVED BY HONORARY
STATE OF TEXAS
LEGISLATIVE COUNCIL
JUN 7 1949
ALICE A. DICK, Clerk

EX PARTE,
JOSEPH BISHOP.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA }
BALDWIN COUNTY. }

"MOTION TO STRIKE"

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA:

Comes TAYLOR WILKINS, Sheriff, to whom this writ was directed
and moves to strike ^{paragraph 5} ~~Count 5~~ of said petition on the grounds that
said allegations are not included under the statutory provisions
for which the remedy of Habeas Corpus has been provided and in
consequence thereof are surplusage.


ATTORNEY FOR TAYLOR WILKINS
and Deputy Circuit Solicitor.

consequence thereof are unnecessary.

It is noted that the names of persons who have been charged and who are being held are not included under the statutory provisions relating to criminal offenses and no mention is made of any other persons who are being held and who are not included under the statutory provisions relating to criminal offenses.

ORDER OF THE COURT, ATTORNEY:

TO THE HONORABLE JUDGE, J. W. WILSON, JR., JUDGE OF THE CIRCUIT

IN THE CIRCUIT COURT OF

THE FIRST JUDICIAL DISTRICT

IN THE CIRCUIT COURT OF

THE FIRST JUDICIAL DISTRICT

IN THE CIRCUIT COURT OF

THE FIRST JUDICIAL DISTRICT

IN THE CIRCUIT COURT OF

RECEIVED
JUL 7 1949
CLERK OF THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT

FILED
JUN 7 1949
MRS. J. B. BUCK, Clerk

STATE OF ALABAMA :

BALDWIN COUNTY. :

TO TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY:

You are hereby commanded to have the body of Joseph Bishop, alleged to be detained by you, by whatsoever name the said Joseph Bishop is called or charged, with the cause of such detention, before me Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on the 7th day of June, 1949, at the Court House at Bay Minette, Alabama, at 3:00 P. M. to do and receive what shall then and there be considered concerning the said Joseph Bishop.

Telfair J. Mashburn, Jr.
Circuit Judge

STATE OF ALABAMA :

BALDWIN COUNTY. :

Executed the within writ by delivering a copy thereof to Taylor Wilkins, the person to whom it is directed, and by showing him the original writ.

Dated this 6th day of June, 1949.

Aslee Cook

no 1368

FILED

JUN 6 1949

ALICE J. DUCK, Clerk

STATE OF ALABAMA :

BALDWIN COUNTY. :

It is ordered by the undersigned Judge that the Petitioner
or his Attorney give notice to the Solicitor of the _____
of Alabama, of the issuance of the writ of habeas corpus in this
case, and of the time and place to which said writ is returnable.

Dated this the 6th day of June, 1949.

Julian J. Mashburn, Jr.
JUDGE

NO 1367

FILED

JUN 6 1949

ALICE J. DUCK, Clerk