

APPEAL BOND.

THE STATE OF ALABAMA.
Baldwin County.

1734
County Court, _____ Term, 195__.

KNOW ALL MEN BY THESE PRESENTS, That we _____

Charles Sibley

_____, are held and firmly bound unto the State of Alabama, in the sum of Three Hundred Dollars for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Witness our hands and seals, this the 23th day of November, 1951.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, ~~That whereas, the above bound~~

~~en~~ that ~~was on the~~ 15th day of November, 1951

~~convicted in the County, of the offense~~ The petition of the above bounden Charles Sibley for writ of habeas corpus was denied

and by the judgment of said Court sentenced to extradition of the said Charles Sibley to the state of Louisiana was granted

And, whereas, the said _____

has this day prayed an appeal from said judgement to the Court of Appeals ~~Circuit Court of said County~~.

Now, if the said Court of Appeals Charles Sibley shall appear at the next term of the ~~Circuit Court~~, and from term to term thereafter until discharged, and abide by and perform whatever sentence may be adjudged in said Court against him, then the above obligation to be void, otherwise to remain in full force and effect.

Charles Sibley (L. S.)

_____. (L. S.)

_____. (L. S.)

_____. (L. S.)

Approved:

Allice F. Bennett
Clerk, Circuit Court ~~County Court Judge~~

~~RECORDED~~
THE STATE OF ALABAMA
Baldwin County

COUNTY COURT

THE STATE

VS.

Charles Sibley

APPEAL BOND

Sureties.

Filed in the office of the Clerk of the
Circuit Court _____ day of
_____, 195__.

_____, Clerk.

Criminal Docket No. _____

No. _____

Page _____

The State of Alabama,

Baldwin County.

Justice Court of

T. C. HAND

The State of Alabama,

vs.

Charles Silby

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
19____ Term of the _____
Court of _____ County, Ala.

Given under my hand this the _____
day of _____, 19____
_____, J. P.

Mittimus or Commitment

The State of Alabama,
Baldwin County.

To the Jailer of Baldwin County:

On complaint of

Taylor Wilkins

charging

Charles Sibley

with the offense of

Fugitive from Justice

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

Charles Sibley

has been guilty thereof, you are

therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this

31

day of

Oct.

, 195*1*

T. S. Land

Justice of the Peace.

Petition for Habeas Corpus

RECORDED

Ex Parte
Charles Sibley

State of Alabama
County of Baldwin

To Hon. Telfair J. Mashburn, Jr. Judge of the Circuit Court of
Baldwin County, Alabama;

The petition of Charles Sibley, who is over the age of 21 years
respectfully shows and represents unto your Honor;

1.

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 as Sheriff of said County, under warrants issued from
the State of Louisiana, charging your petitioner with theft.

2.

That he is imprisoned under warrants issued on false charges and in
reality, the Extradition proceedings now being instituted by the State of
Louisiana against your petitioner, seeks to extradite your petitioner for debts
contracted in the State of Louisiana by your petitioner.

3.

Your petitioner further shows that by reason of said warrants seeking
to extradite him for said debts, that he is being illegally restrained of
his liberty and that he is being illegally imprisoned; That Title 15, sec.
68, 1940 Code of the State of Alabama expressly prohibits extraditing a
person for the collection of a debt and that Article 1. sec. 20 of the
Constitution of The State of Alabama expressly prohibits imprisoning a
person for debt.

Your petitioner prays that a Writ of Habeas Corpus be issued to said
Taylor Wilkins, as Sheriff of Baldwin County, Alabama, commanding him to
bring the body of your petitioner, Charles Sibley before Your Honor at
the time and place to be by you appointed.

Witness:

Raymond J. McQuilley
Attorney at Law

Charles Sibley
Petitioner

RECEIVED NOV 11 1951

STATE OF
MISSISSIPPI

OFFICE OF THE
SHERIFF

MISSISSIPPI DEPARTMENT OF
CORRECTIONS

TO THE HONORABLE JUDGE OF THE
COURT OF COMMON PLEAS

IN RE: CHARLES SIBLEY
Petitioner
vs.
The State of Mississippi
Respondent

No. 1734

By Partee
Charles Sibley

Petition
Application for
Habeas Corpus

FILED
NOV 11 1951
ALICE J. DUCK, Clerk

Writ Of Habeas Corpus

State of Alabama *
Baldwin County * Circuit Court

To Taylor Wilkins, Sheriff of Baldwin County, Alabama:

You are hereby commanded to have the body of Charles Sibley, alleged to be detained by you by whatever name the said Charles Sibley 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 12th day of November 1951 at the court house at Bay Minette, Alabama at 2:00 P. M to do and receive what shall then and there be considered concerning the said Charles Sibley.

Dated this the 8th day of November 1951.

Telfair J. Mashburn Jr.
Circuit Judge

W. a. B.

THE
FEDERAL
BUREAU OF
INVESTIGATION
OF THE
DEPARTMENT OF JUSTICE

no 1334

[illegible]

2005-06-01

THE OCEANIC

On the 10th of June 1900, the following was received from the Hon. the Secretary of the War Office, London:

[illegible][illegible][illegible]

no 1734
E. F. Fiske
Charles Sibley
Writ of Habeas Corpus

№ 1734

Petition for Habeas Corpus

Ex Parte
Charles Sibley

State of Alabama
County of Baldwin

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Baldwin County, Alabama;

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by Taylor Wilkins as Sheriff of said County, under warrants issued from
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person for debt.

Your petitioner prays that a Writ of Habeas Corpus be issued to said
Taylor Wilkins, as Sheriff of Baldwin County, Alabama, commanding him to
bring the body of your petitioner, Charles Sibley before Your Honor at
the time and place to be by you appointed.

Witness:
Cyril F. McKinley
Attorney at Law

Charles Sibley
Petitioner

no 1734

Ex Parte
Charles Sibley

Petition for
Habeas Corpus

FILED

NOV 17 1951

ALICE J. DUCK, Clerk

Petition for Habeas Corpus

Ex Parte
Charles Sibley

State of Alabama
County of Baldwin

To Hon. Telfair J. Mashburn, Jr. Judge of the Circuit Court of
Baldwin County, Alabama;

The petition of Charles Sibley, who is over the age of 21 years
respectfully shows and represents unto your Honor;

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Constitution of The State of Alabama expressly prohibits imprisoning a
person for debt.

Your petitioner prays that a Writ of Habeas Corpus be issued to said
Taylor Wilkins, as Sheriff of Baldwin County, Alabama, commanding him to
bring the body of your petitioner, Charles Sibley before Your Honor at
the time and place to be by you appointed.

Charles Sibley
Petitioner

Witness:

Robert F. McKinley
Attorney at Law

no. 1234
Ex Parte
Charles Sibley

Petition for Habeas
Corpus

FILED

NOV 12 1951

ALICE J. DUCK, Clerk

Affidavit

Printed by Moore Ptg. Co.

STATE OF ALABAMA, {
Baldwin County.

In the Justice Court of T. C. HAND

Before me, T. C. HAND, Justice of the Peace

in and for said County, personally appeared Taylor Wilkins 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 31 Oct 1951 that one Charles Sibley
was a fugitive from justice

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this Oct

day of 31 A. D., 1951
T. C. Hand, J. P.

Taylor Wilkins

Warrant

STATE OF ALABAMA, {
BALDWIN COUNTY

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Charles Sibley and bring him

before me to answer the State of Alabama on a charge

Fugitive from justice

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

Witness my hand this 31 day of Oct., 1951

T. C. Hand, J. P.

No. 2389

RECORDED
Page _____

The State of Alabama,
Baldwin County

JUSTICE COURT OF
T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,
vs.

Charles Silbey

Witnesses for the State :

Taylor Wilkins

Justice Court Of
Baldwin County

WARRANT of ARREST

The State of Alabama,
vs.

Charles Silbey

Executed this 31 day of Oct. 1951

By arresting the within

named Defendant

and placing him

Taylor Wilkins Sheriff

Deputy Sheriff

60 PM

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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No. 2389	Vs. Charles Sibley	Fugitive from Justice

	DISPOSITION OF CASE	FEE'S	AMOUNT
	Affidavit made and Warrant Issued to Taylor Wilkins	JUDGE'S FEES	
	Returnable Justice	Warrant at 50c, Affidavit at 25c	75
	Witness—For State Taylor Wilkins	Bond at 50c, Sci. Fa. at 50c	
3 Nov 51	My was brought before me and warrant was read to him of charge.	Witnesses' Recognizances at 25c	
	My stated he would fight extradition.	Subpoena or Notice at 25c	
	Bond was set at \$350.00	Continuance at 25c	
	My could not make bond and was ordered committed to jail.	Trial of Misdemeanor at \$1.00	
		Mittimus at 25c	25
		Judgment on Forfeited Bond at 25c	
		Taking Bond, etc., on Appeal at \$1.00	
		Execution of costs at 25c	25
		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	2.00
		Committing, \$1.00; Releasing, \$1.00	2.00
		Subpoenas at 25c Day's Board at 30c	6.00
		WITNESS FEES	
		Days at 50c	.10
		" 50c	
		" 50c	
		" 50c	
		" 50c	
		" 50c	
		" 50c	
		DEFENDANT'S COSTS	
		Witnesses' Recognizance at 25c	
		Subpoenas at 25c	
		Executing Subpoenas	

STATE OF ALABAMA }
BALDWIN COUNTY }

Nº 2909

Case No. 2389

IN THE County COURT OF
BALDWIN COUNTY, ALABAMA

The State of Alabama

vs.

Before me, _____

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

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

_____ 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 _____

Sheriff

Subscribed and sworn to before me this 1 day of Nov, 1951.

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 \$ 6.00 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 3 day of Nov, 1951.

Judge of the above named court

Case No. 2389 2202

Justice Court of
T. C. HAND
Bay Minette, Ala.

The State

VS.

Charles Sibley

CHARGE :

Fugative from Justice

DISPOSITION :

*def was brought before
me and ^{copy of} warrant was
read to him. He stated
that he would fight
Extradition. Bond was
set at \$500.00 as requested
on copy of warrant.
def. being unable to
make bond was ordered
held in jail.*

Moore Printing Co.

2 Nov 27.

JAN 15 1952

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1951-52

1 Div. 640

John King, Charles Sibley
and John Sadler

v.

State

Appeal from Baldwin Circuit Court

HARWOOD, JUDGE

These three appellants have appealed from a judgment of the Circuit Court of Baldwin County denying their petition for release under habeas corpus proceedings.

2.

It is inferable from the record that the matter arose out of a demand for extradition of the three appellants made by the Governor of Louisiana on charges of theft committed in that State.

The return filed by the Sheriff was completely insufficient. However no objection was filed and the appellant proceeded to trial on the merits. The State introduced as an exhibit a rendition warrant regular on its face as to each appellant issued by the Governor of Alabama. Such documentary evidence established a prima facie case for the State as to each appellant, and if not overcome would have justified the judgment entered. Ex parte Brown, 15 Ala. App. 210, 72 So. 772.

It was the contention of the appellants in the proceedings below that their extradition was sought merely for the purpose of aiding in the collection of a debt and therefore prohibited by the terms of Section 68, Title 15, Code of Alabama 1940.

To sustain this contention the appellants introduced evidence tending to show that they were members of a troupe of "hell drivers" who travelled around putting on exhibitions of dare devil automobile driving, and that the alleged theft charges were based on transactions they had made with parties in Monroe, Louisiana in connection with an exhibition there. They contracted for the purchase of gasoline, the printing of placards and tickets, etc., and gave what they termed I. O. U's. for payment at the ticket office at the conclusion of their first performance. It rained on this day and they were unable to pay all of their creditors.

The appellants further introduced evidence tending to show that they went from Monroe, Louisiana to Brewton, Alabama. In Brewton they were arrested and held under warrants which they claimed charged the same offenses as the warrants under which they are now held in Baldwin County.

3.

However, they were told in Brewton that if they paid the amounts involved in the Louisiana warrants that the same would be withdrawn. The appellants contend that they did pay such sum to the Sheriff of Escambia County, Alabama, and were released.

There was introduced in evidence by the appellants receipts issued to the three appellants by the Sheriff of Escambia County, Alabama. Both receipts are dated 31 October 1951, and one is for the payment of \$157.16, on which is noted "For Sheriff Monroe Louisiana." The other receipt is for \$18.00, and is shown to be for "Detainer's Fee."

There was also received in evidence a copy of a telegram from the Sheriff of Ouachita Parish, Monroe, Louisiana, to the Sheriff of Escambia County, Alabama, which telegram is as follows:

"Sheriff Leo Mills
"Brewton, Alabama

"Confirming telephone conversation this date charges on three subjects in your custody will be withdrawn upon your receipt of the amount of money involved in the warrants. Thanking you for your cooperation in this matter.

"Bailey Grant, Sheriff."

The appellants also introduced into evidence the following letter from the Sheriff of Ouachita Parish to the Sheriff of Escambia County:

"Nov. 2. 1951
"Sheriff J. L. Mills
"Escambia County
"Brewton, Alabama

"Dear Sheriff

"Thank you for your letter of October 31, 1951 wherein you enclosed check and warrants.

"At this time we want to express our appreciation for the cooperation you have given this department and this has been handled very satisfactorily.

"Assuring you of our cooperation in all matters of mutual concern, we remain

"Very Truly Yours
"Bailey Grant
"Sheriff - by Raymond Knowles,
Deputy Sheriff."

4.

After the introduction of the above documentary evidence the appellants propounded questions to one of their witnesses, Mrs. John King, seeking testimony which would tend to show that the warrants on which the appellants were arrested in Escambia County were for the same offenses and initiated by the same parties as were the warrants which formed the basis of their present arrests in Baldwin County.

The court sustained the State's objections to this line of questions with the remark: "I've let you introduce the receipts up there, Mr. McKinley and a letter from the Sheriff of Brewton and a copy of a telegram purported to be from them, why waste time going into that sort of thing?" Exceptions were duly reserved to the court's rulings.

The letter from the Sheriff of Ouachita Parish, above set out, establishes that the warrants on which the appellants had been arrested in Brewton had been returned to him. They were out of the jurisdiction of this State. "Absence of primary evidence from the jurisdiction of the court is one of the recognized grounds for the admission of secondary evidence." 20 Am. Jur., Evidence, Sec. 434, and cases cited thereunder.

The telegram and letter from the Sheriff of Ouachita Parish, Louisiana, tend to establish, we think beyond a reasonable doubt, that the warrants on which appellants were arrested in Brewton, in Escambia County, were issued for the purpose of collecting a debt. If so the appellants could not have been properly extradicted thereon. By the same token, if the warrants forming the basis of the issuance of the rendition warrant of the Governor of Alabama and on which the appellants were arrested in Baldwin County were for the same alleged offenses as were the first set of warrants, such fact would be highly material to a determination of this case. The contents of the first set of warrants would disclose this fact.

5.
This evidence should have been permitted. The ruling of the court in the premises was erroneous. This cause must therefore be reversed and remanded.

REVERSED AND REMANDED.

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 640

John King, Charles Ribley & John Sadler 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 five 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

15 day of Jan, 1952

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

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 640

John King, Charles
Dibley & John Dabbs
Appellant

vs.

State
Appellee

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1946

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 51

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

John King, Charles Sibley and John Sadler, 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 15th day of January 19 52, that said judgment of said Circuit Court be reversed and annulled, and the cause remanded to said Court for further proceedings therein; ~~and that it was further considered that the appellee 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
15th day of January 19 52

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

THE COURT OF APPEALS OF ALABAMA

October Term, 19 51

1st Div. No. 640

John King, Charles Sibley

and John Sadler

Appellant,

v.

The State

Appellee.

From Baldwin Circuit Court
(Habeas Corpus)

CERTIFICATE OF
REVERSAL

The State of Alabama,

County.

} Filed

this 17th day of Jan 1952

Adair Luck

clerk

1734