

1047

THE STATE OF ALABAMA, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:
An indictment having been found against

JOHN PIPKIN

at the NOV. Term, 1948, of the Circuit Court of Baldwin County, for the offense of
MURDER, FIRST DEGREE

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 4th day of Nov., 1948.

Aliss J. Wuck
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.

CAPIAS

No. 37

THE STATE

vs.

JOHN PIPKIN

Bail Fixed in This Case in Open Court at

\$ 2500⁰⁰

By F. W. Hare
Judge Presiding.

Attest: Alice J. Hurcha
Clerk.

Executed this 5 day of Nov, 1948

By arresting the within

named Defendant

and placing him in jail

Taylor Watkins, Sheriff
Zollie B. Griffin, Deputy Sheriff

Given

Jeffair J. Mashburn, Jr.
Judge.

Charge 1:

The court charges the jury that, if the jury, upon considering all the evidence, have a reasonable doubt about the defendant's guilt, arising out of any part of the evidence, they should find him not guilty.

Charge 2:

The court charges the jury that if there is one single fact proved to the satisfaction of the jury which is inconsistent with the defendant's guilt, this is sufficient to raise a reasonable doubt, and the jury should acquit him.

Given
Jelfair J. Mathis, Jr.
Judge

Charge 3: The court charges the jury that if the evidence
or any part thereof, after a consideration of the whole
of such evidence, generates a well founded doubt of
defendant's guilt, the jury must acquit him.

Given,
Jefair J. Marshall, Jr.
Judge

Charge 4:

The court charges the jury that if the evidence is not so convincing as to lead the minds of the jury to the conclusion that he is guilty, they must find him not guilty.

Refused
Felton J. Mashburn, Jr.
Judge.

Charge 5:

The court charges the jury that unless each of you is convinced beyond a reasonable doubt of the guilt of the defendant, from the evidence in the case, then you should not convict him.

Given
Jeffery J. Mashburn, Jr.
Judge

Charge 6:

The court charges the jury that defendant cannot be convicted in this case unless each and every juror is not only reasonably satisfied from the evidence of defendant's guilt, but if satisfied from the evidence, and the evidence alone, beyond all reasonable doubt, and to a moral certainty, of his guilt.

Refused
Jelfair J. Mashburn, Jr.
Judge

Charge 7:

The court charges the jury that if after a full consideration of all the evidence the guilt of defendant is not proven to a moral certainty, then the jury must find defendant not guilty.

Refused
J. Fair J. Masliburn Jr.
Judge

Charge 8:

The court charges the jury that each juryman must be separately satisfied, beyond a reasonable doubt and to a moral certainty, that defendant is guilty of the crime charged, or you cannot convict him.

*Refused
Jelfair*

*J. Mansbury Jr
Judge.*

Charge 9:

The court charges the jury that the only foundation for a verdict of guilty in this case is that the entire jury shall believe from the evidence, beyond a reasonable doubt and to a moral certainty, that the defendant is guilty as charged in the indictment, to the exclusion of every probability of his innocence, and every reasonable doubt of his guilt; and, if the prosecution has failed to furnish such measure of proof, and to so impress the minds of the jury of his guilt, they should find him not guilty.

*Given
J. Fair J. Mashburn, Jr.
Judge*

Charge 10:

The court charges the jury that if after looking at all the evidence in this case and considering it fully, your minds are left in such a state of uncertainty that you cannot say beyond a reasonable doubt that the defendant is guilty of the offense charged, then this is such a doubt as would entitle the defendant to an acquittal and you should so find.

Refused
J. Fair D. Mashbury Jr.
Judge

Charge 11:

The court charges the jury that if the evidence for the state consists of testimony as to the truth of which the jury have a reasonable doubt, the jury must not convict the defendant, although they may not believe the testimony of the defendant's witnesses.

Given
Jefair J. Mashburn Jr.
Judge

Charge 12:

The court charges the jury that if there is a reasonable doubt as to whether the killing was done with malice, defendant cannot be convicted of murder at all.

~~Given~~
Jelfair J. Masliberry, Jr.
Judge

Charge 13:

The court charges the jury that before they can convict the defendant the evidence must be so strong as to convince each juror of his guilt beyond reasonable doubt; and if, after considering all the evidence, a single juror has a reasonable doubt of the defendant's guilt, arising out of any part of the evidence, then they cannot convict him.

Refused
Felton J. Mashburn Jr.
Judge

Charge 14:

The court charges the jury that a reasonable doubt of defendant's guilt is not the same as a probability of his innocence. A reasonable doubt of defendant's guilt may exist when the evidence fails to convince the jury that there is a probability of defendant's innocence.

Given
Wesley J. Mashburn, Jr.
Judge

Charge 16:

The court charges the jury that if, on a consideration of all the evidence in this case, you find the evidence so nearly balanced that the mere weight of it is on the side of the state, and not so heavy and strong as to satisfy you to a moral certainty that it is true, you cannot find defendant guilty.

Given
Jefair J. Maslibury Jr.
Judge.

Charge 17:

The court charges the jury that if the evidence of the state consists in the statement of a witness, of the truth of which the jury has a reasonable doubt, they cannot convict on such evidence, although they may not believe the testimony of defendant's witness.

Given
Jefair J. Mallibury Jr.
Judge.

Charge 18:

The court charges the jury that you are not authorized to find a verdict of guilty on the testimony of a single witness, if you have a reasonable doubt of the truth of his statement.

Given
Felton J. Mashburn, Jr.
Judge

Charge 19:

The court charges the jury that, if they are reasonably satisfied from the evidence in this case that the deceased had threatened to take the life of the defendant, and such threats had been communicated to defendant before or at the time of the fatal shooting, then this defendant, on the occasion of this killing, would have been authorized and justified in taking more prompt and decisive means of defense than if such threats had never been made and communicated, provided the defendant was without fault in bringing on the difficulty or entering willingly therein, and his life at the time was in imminent peril, or reasonably appeared to be, and he honestly believed that it was in peril, and under such circumstances as just stated the defendant was under no duty to retreat if you are reasonably satisfied from the evidence in the case that the deceased was at the time about to make an immediate murderous attack upon the defendant, or the defendant reasonably and honestly believed that deceased was about to make such attack.

Given
Selfair J. Mashburn Jr
Judge

Charge 22:

The court charges the jury that the defendant is authorized under the statute, to testify in his own behalf, and the jury have a right to give full credit to his statements.

Given
Selfair J. Mashburn, Jr.
Judge

Charge 23:

The court charges the jury that the burden is upon the state, and it is the duty of the state to show, beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstance necessary to show that the defendant is guilty; and, unless the state has done that in this case, it is your duty, gentlemen of the jury, to render a verdict of not guilty.

Refused
Jelfair J. Maslibury Jr.
Judge.

Charge 24: The court charges the jury that the legal presumption of innocence is to be regarded by the jury in every case as a matter of evidence, to the benefit of which the accused is entitled; and, as a matter of evidence, it attends the accused until his guilt is, by the evidence, placed beyond a reasonable doubt.

Given
Jesse J. Mashburn, Jr.
Judge

Charge 25:

The court charges the jury that the innocence of defendant is presumed until his guilt is established by the evidence in all the material aspects of the case beyond a reasonable doubt, to a moral certainty, and it may also be said that evidence of guilt must be strong and cogent, and, unless it is so strong and cogent as to show that defendant is guilty to a moral certainty, defendant should be acquitted.

Given
Zelfair J. Mashburn, Jr.
Judge

Charge 26:

The court charges the jury that the law does not require one who is assailed in his own dwelling to retreat from it but the law permits him and says that it is his right to stand his ground and kill his assailant if it is necessary so to do to save his life or protect himself from great bodily harm, provided he is without fault in bringing on the difficulty and in this case the court charges the jury that if they believe from the evidence that the defendant found the deceased in the act of entering his dwelling house and that the deceased so acted as to create in the mind of defendant reasonable belief that he was in danger of his life or sustaining great bodily harm in the hands of the deceased, then the defendant under the law, had a right to shoot deceased and take his life, if such shooting was necessary to protect his own life or prevent him from sustaining great bodily harm in the hands of the deceased.

*Refused
Selfair J. Washburn, Jr.
Judge*

Charge 27:

The court charges the jury that if you believe the evidence in this case you cannot find the defendant guilty of murder in the first degree.

Refused
Jeferson J. Masliburn, Jr.
Judge.

Charge 28: The court charges the jury that if you believe
the evidence in this case you cannot find the defendant
guilty of murder in the second degree.

Refused
J. Fair J. Mansbury Jr.
Judge

Charge 29: The court charges the jury that if you believe
the evidence in this case you cannot find the defendant
guilty of manslaughter.

Refused
Jelvais J. Mashburn, Jr.
Judge.

Charge 30:

The court charges the jury that if defendapt shot deceased under a bona fide belief that he was in impending danger of limb, and he had, under all the circumstances, reasonable cause to believe that he was in imminent danger at the time the shooting was done, it would be immaterial whether there was such danger or not.

Refused

Jelfair J. Masliberry Jr.

Judge

Charge 31:

The court charges the jury that if, after looking at all the evidence in this case, your minds are left in such a state of doubt or uncertainty that you cannot say, beyond a reasonable doubt, whether the defendant acted upon a well-founded and reasonable belief that it was necessary to take the life of the deceased to save himself from great bodily harm or death, or that he shot before such impending necessity arose, then this is such a doubt as will entitle this defendant to an acquittal, and you should so find.

Siven
Telfair J. Mashburn, Jr.
Judge.

Charge 32:

The court charges the jury that it is not necessary that there should be actual danger of death or great bodily harm in order to justify the taking of human life, but, if the jury are satisfied, from all the evidence in the case, that the circumstances attending the killing of deceased were such as to impress the defendant with a reasonable belief that at the time of firing the shot it was necessary in order to prevent death or great bodily harm to his person, then they must acquit the defendant, unless they further believe that the defendant was not free from fault in bringing on the difficulty.

Given
Selfair J. Masliburn, Jr.
Judge

Charge 33:

The court charges the jury that it is the law that defendant had a right to protect himself from real or reasonably apparent felonious assault upon himself by the deceased, and if, on considering the evidence or any part of it, when considered with the whole evidence, you have a reasonable doubt as to whether defendant was justified in taking the life of deceased in defending himself from such assault, it will become your duty to acquit him.

Given

Jefair J. Mashburn, Jr.
Judge

Charge 34:

The court charges the jury that if the defendant shot under a bona fide belief that his life was in danger, and had under the circumstances reasonable cause to believe that he was in imminent danger at the moment the shot was fired, it would be immaterial whether there was such actual danger or not.

Gwen
Jelfair J. Mashburn, Jr.
Judge.

Charge 35:

The court charges the jury that if the defendant had the house rented, and was occupying it as his bedroom, at the time of the killing deceased, this is regarded as much the domicile and castle of defendant as though the defendant owned the house absolutely; and, if the defendant was assaulted in this house, he did not have to retreat, for the defendant had the protection of his house to excuse him from flying, and the law did not require him to fly from his house, and give up the protection of his house to his adversary.

Given

Selfair J. Mansbury Jr.
Judge

Charge 36:

The court charges the jury that if from the evidence in this case you have a reasonable doubt that defendant was sufficiently sober to form a specific intent to take life, you cannot convict him of murder in the first degree.

Refused
J. Fair J. Mashburn, Jr.
Judge

Charge 37: The court charges the jury that intoxication may render the accused incapable of forming or entertaining the specific intent which is a material ingredient of the crime of murder.

Refused
J. Fair J. Mansbury, Jr.
Judge

HYBART, CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

John L. Hybart

Revised charges

J. A. Thompson, M. D.
Pine Apple, Alabama

April 4, 1949

To Whom It May Concern:

This is to certify that Woodbury Jenkins
is sick and unable to be out and will
be for next few days

J. A. Thompson M.D.

THE STATE OF ALABAMA }
BALDWIN COUNTY.

No. 37

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon *W. L. Allen, John W. Little,*
Winberly Jenkins, Jack Warrt, Pete Sellers,
J. L. Brown, Lonnie Byars, J. B. Hale,
Mr. Sherman

to be and appear on the *2nd* day of *Nov*, 19*48*, before the Grand
Jury of said County, at the Court House thereof, then and there to testify and give evidence on behalf of the State of
Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this the *6th* day of *Oct*, 19*48*.
Beice J. Neuch Solicitor.
Neuch

B. N.

ORIGINAL

No. 37

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

Pete Sellers

J. G. Barrow

Lennie Bryant

Dr. Sherman

this 29 day of Oct 1934

Taylor Williams, Sheriff

AFFIDAVIT

Moore Printing Co., Bay Minette, Ala

STATE OF ALABAMA,
BALDWIN COUNTY

IN THE JUSTICE COURT OF
FRANK P. PROPST

Before me, FRANK P. PROPST, Justice of the Peace

in and for said County, personally appeared H. F. Hall 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 Feb. 28 1948 that one John Pepkin

unlawfully, and with malice aforethought,
killed Herbert McConnell by shooting him with a
gun or pistol

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 2
day of May A. D. 1948

Frank P Propst, J. P.

H. F. Hall

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commaded to arrest John Pepkin

and bring him
before me to answer the State of Alabama on a charge

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

Witness my hand this 2 day of May 1948
Frank P Propst, J. P.

No. 1031

Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF
FRANK P. PROPST

AFFIDAVIT

THE STATE OF ALABAMA
vs.

John Pepkin

WITNESSES FOR THE STATE:

- W. L. Allen*
- John D. Little*
- Wamberly Jenkins*
- Dock Ward*
- Pete Sellers*
- G. L. Bawrow*
- Lonnie Bynum*
- G. B. Dale*
- D. Sherman*

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

THE STATE OF ALABAMA

vs.

John Pepkin

Executed this 25 day of _____, 1948

By arresting the within

named Defendant

and placing him in jail

Taylor W. Wilkins Sheriff

It. F. Hall Deputy Sheriff

Bay Minette

THE STATE OF ALABAMA,
Baldwin County.

No. 37

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

Himberly Jenkins

if to be found in your county, at the instance of the State of Alabama, to appear before the Circuit Court of Baldwin County, at the Court House thereof, in said County, on the 2nd day of Nov., 1948, and from day to day thereafter, until discharged, to give evidence and the truth to speak before the Grand Jury of said County, concerning certain matters to be investigated by the said Grand Jury.

Herein fail not, and have you then and there this Writ.

Witness my hand this

8th

day of

Oct

A. D. 19

48

Attest:

Alice J. Duck

, Clerk

THE STATE OF ALABAMA,
Baldwin County.

No. 37

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon John D. Little

if to be found in your county, at the instance of the State of Alabama, to appear before the Circuit Court of Baldwin County, at the Court House thereof, in said County, on the 2nd day of Nov., 1948, and from day to day thereafter, until discharged, to give evidence and the truth to speak before the Grand Jury of said County, concerning certain matters to be investigated by the said Grand Jury.

Herein fail not, and have you then and there this Writ.

Witness my hand this 8th day of Oct A. D. 19 48

Attest:

Alice J. Dush, Clerk

THE STATE OF ALABAMA,
Baldwin County.

No. 37

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

Rock Hunt

if to be found in your county, at the instance of the State of Alabama, to appear before the Circuit Court of Baldwin County, at the Court House thereof, in said County, on the 2nd day of Nov., 1948, and from day to day thereafter, until discharged, to give evidence and the truth to speak before the Grand Jury of said County, concerning certain matters to be investigated by the said Grand Jury.

Herein fail not, and have you then and there this Writ.

Witness my hand this

8th

day of

Oct

A. D. 19

48

Attest:

Alice J. Duck

, Clerk

THE STATE OF ALABAMA,
Baldwin County.

No. 37

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon H. L. Allen

if to be found in your county, at the instance of the State of Alabama, to appear before the Circuit Court of Baldwin County, at the Court House thereof, in said County, on the 2nd day of Nov., 1948, and from day to day thereafter, until discharged, to give evidence and the truth to speak before the Grand Jury of said County, concerning certain matters to be investigated by the said Grand Jury.

Herein fail not, and have you then and there this Writ.

Witness my hand this 8th day of Oct A. D. 1948

Attest: Alice J. Duch, Clerk

THE STATE OF ALABAMA,
Baldwin County.

No. 31

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

J. B. Dale

if to be found in your county, at the instance of the State of Alabama, to appear before the Circuit Court of Baldwin County, at the Court House thereof, in said County, on the *2nd* day of *Nov.*, 19 *48*, and from day to day thereafter, until discharged, to give evidence and the truth to speak before the Grand Jury of said County, concerning certain matters to be investigated by the said Grand Jury.

Herein fail not, and have you then and there this Writ.

Witness my hand this

8th

day of

Oct

A. D. 19

48

Attest:

Alice J. Duck

, Clerk

State vs. John Pipkin

JURY LIST, SECOND WEEK

Spring Term, April 4th, 1949

No.	Name	Occupation	Address
1	W. H. Fletcher,	postal Clerk,	Bay Minette
2	Edmond Clay McCowan,	farmer,	Latham D13
3	J. D. Little,	farmer,	Lottic S6
4	W. J. McKenzie,	farmer,	Magnolia Springs
5	Turpin Rankester,	railroad emp,	Robertsdale S1
6	Riley Weeks,	carpenter,	Foley S11
7	Wallace Parker,	mill,	Stockton S12
8	Charles Coghlan,	logging,	Latham
9	Frank E. Sanders,	banker,	Foley S11
10	Louis Lyssek,	carpenter,	Magnolia Springs S7
11	Ernest M. Howell,	Utilities,	Foley
12	John P. Bertolla,	farmer,	Loxley S16
13	Thomas Hawkins,	bookkeeper,	Bay Minette S9
14	Hurley Aird,	farmer,	Robertsdale S6
15	Silas D. Powers,	farmer,	Bon Secour
16	Claude Ruple,	farmer,	Bay Minette S3
17	Brad Neimier,	merchant,	Fairhope
18	Eugene Koehle,	car dealer,	Foley S10
19	J. Douglas Waters,	farmer,	Gateswood S4
20	John Keifer,	merchant,	Elberta S4
21	Holly Rains,	farmer,	Daphne S3
22	William J. Russell,	mechanic,	Daphne
23	Floyd Marshall,	farmer,	Robertsdale S5
24	Charles L. Mathews,	F. C. A.,	Robertsdale S10
25	Howard Brooks,	barber,	Robertsdale S2
26	John Murphy McMillan,	mill man,	Stockton S1
27	Harry Still,	dealer,	Bay Minette S14
28	Peter Malbis,	farmer,	Daphne S14
29	Louis B. Underwood,	farmer,	Summerdale S2
30	Mike Kaiser Sr.,	farmer,	Elberta S7
31	Walter Krueger,	Butane Dist.,	Foley S14
32	Jim Henderson,	carpenter,	Fairhope
33	John Gottler,	farmer,	Elberta S6
34	M. C. Cooper,	carpenter,	Robertsdale D1
35	William Gullledge,	farmer,	Robertsdale S2
36	Sam Faircloth, Jr.,	turpentine,	Lillian
37	Henry Miller,	farmer,	Bay Minette S1
38	John Norris, Jr.,	farmer,	Foley
39	Bernard Dyckma,	Magnolia Springs	S11
40	Clarence Hand,	farmer,	Foley S9
41	Adrian Talbot,	filling station,	Bay Minette S10
42	Dougal Taylor,	laborer,	Bay Minette
43	W. Darrington Hastic,	timberman,	Stockton S2
44	Edd Hall,	saw mill,	Rabon S17
45	Phil Cooper,	farmer,	Rosinton D1
46	Frank Dusek,	Defense,	Lillian S15
47	Clyde Little,	Mechanic,	Bay Minette S4
48	Howard Pavy,	Farmer,	Elberta
49	Henry Hance,	Mechanic,	Foley S11
50	Infant Lunsford,	Veterans Work,	Foley
51	Lester D. Linden,	Farmer,	Silverhill
52	Thomas Zerk,	Farmer,	Blacksher S3
53	Walter Hays,	laborer,	Foley
54	Reinhardt Bigger,	Farmer,	Elberta S7

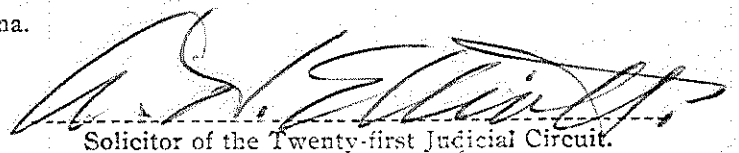
THE STATE OF ALABAMA,
Baldwin County.

Circuit Court. Fall Session ~~1938~~ ¹⁹³⁹, 1938

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

John Pipkin, whose name is to the Grand Jury otherwise unknown, unlawfully, and with Malice aforethought, killed Marshall McConnell, alias Rube McConnell, by shooting him with a rifle,

against the peace and dignity of the State of Alabama.



Solicitor of the Twenty-first Judicial Circuit.

RECORDED

No. _____

The State of Alabama
Baldwin County
CIRCUIT COURT

Fall Session ~~XXXX~~ 1938

THE STATE
vs.

John Pipkin

INDICTMENT

Murder, First Degree

No Prosecutor

WITNESSES:

J.L. Barrow ✓

W.L. Allen

John D. Little

Wimberly Jenkins

Doc Want not here

Pete Sellers ✓

Lonnie Bryars ✓

J.B. Dale ✓

Dr. Sherman ✓

GRAND JURY NO. 37

A TRUE BILL.

Tom Mullan

Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 4th day of

Nov, 1938

Allice 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.

Allice J. Leach Clerk

*Bail fixed at \$2500.00
by consent.*

*J.W. Hare
Judge*

*We the jury find the
defendant not guilty.*

*H.B. Rhodes
we the jury find the
defendant not guilty
H.B. Rhodes*

THE STATE OF ALABAMA }
Baldwin County }

We, John W. Pipkin, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of \$2500.00

Twenty Five Hundred DOLLARS unless the said John W. Pipkin appear at the

next Term, 1948 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 Murder

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____

John W. Pipkin (Seal)

John W. Pipkin (Seal)

Murphy M. McMillan (Seal)

_____, Baldwin County, Ala.

_____, (Seal)

Taken and approved this the 5th day of Nov. 1948

John W. Pipkin, Sheriff

By _____, Deputy Sheriff

No. _____

The State of Alabama,
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

The State
vs.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19 _____

_____, Clerk

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

THE STATE

VS.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19____

_____, Clerk

**THE STATE OF ALABAMA,
Baldwin County**

Circuit Court, FALL Session, 1948.

The Grand Jury of said County charge that before the finding of this indictment John Pipkin, whose name is to the Grand Jury otherwise unknown, unlawfully, and with Malice aforethought, killed Marshall McConnell, alias Rube McConnell, by shooting him with a rifle,

John Pipkin

against the peace and dignity of the State of Alabama.

A. H. Elliott

Solicitor of the Twenty-eighth Judicial Circuit.

First

No. _____

**THE STATE OF ALABAMA,
Baldwin County**

Circuit Court

Fall Session, 194 9

THE STATE
Vs.
JOHN PIPKIN

INDICTMENT

Murder, First Degree
No Prosecutor.

WITNESSES:

J. L. Barrow

W. L. Allen

John D. Little

Wimberly Jenkins

Doc Want

Pete Sellers

Lonnie Bryars

J. B. Dale

Dr. Sherman

GRAND JURY NO. 37

A TRUE BILL

V. O. McMillan

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 4th day of
Nov. , 194 9

Alice J. Duck, 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. Duck
Clerk.

Bail fixed \$2500-
by consent-
F. W. Hare

Judge.

THE STATE

vs.

JOHN PIPKIN**In the Circuit Court of Baldwin County,**

Spring

Session, 1949

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 15 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 16 to No. 75, both inclusive, being the regular jurors drawn and summoned for the 2nd week of the Spring Term of said Court, the said cause having been set for trial on the 5th day of April 1949, which is a day of said 2nd week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	Joseph Kral S	farmer	Robertsdale, Ala.	Robertsdale, Ala.
2	Reece McGill J	Brookley Field	Perdido, Ala.	Perdido
3	Elmer V. Northcutt S	farmer	Robertsdale, Ala.	same
4	Geo. F. Robertson S	farmer	Robertsdale, Ala.	same
5	William Funk H	shipyard	Fairhope	Fairhope
6	Banks Lane S	clerk	Foley	
7	Hollis Leavins H	meat distributor	Fairhope	Fairhope
8	Reinhardt Riemer S	farmer	Elberta	Elberta
9	Morton H. Bryant S	laborer	Foley, Ala.	same
10	Thomas Earle H	farmer	Blacksher	Blacksher
11	Lester D. Linden S	farmer	Silverhill	Silverhill
12	Buford Lunsford <i>Not found court</i>	veterans work	Foley	
13	Henry Hesse S	mechanic	Foley	
14	Woodrow Peavy H	farmer	Little River	same
15	Clyde Little J	mechanic	Bay Minette,	same
16	W. H. Fletcher	postal clerk	Bay Minette,	
17	Edmond Cley McGowin	farmer	Latham	
18	J. D. Little,	farmer	Lottie	
19	W. J. McKenzie	farmer	Magnolia Springs	
20	Turpin Bankester	railroad emp.	Robertsdale	
21	Riley Weeks	carpenter	Foley	
22	Hamilton Bryant	Reserve Fleet	Stockton	
23	Wallace Parker	mill	Stockton	
24	Charles Coghlan	logging	Latham	
25	Frank E. Sanders	banker	Foley	
26	Louis Lysek	carpenter	Magnolia Springs	
27	Ernest M. Howell	Utilities	Foley	
28	John P. Bertolla	farmer	Loxley	
29	Thomas Hawkins	bookkeeper	Bay Minette	
30	Hurley Ard	farmer	Robertsdale	
31	Silas D. Powers	farmer	Bon Secour	
32	Mose Armstrong	farmer	Latham	
33	Paul Childress	farmer	Loxley	
34	Claude Ruple	farmer	Bay Minette	
35	Brad Neivier	merchant	Fairhope	
36	Andrew Kreiger	farmer	Lilliam	
37	Eugene Koehle	car dealer	Foley	
38	J. Douglas Waters	farmer	Gateswood	
39	John Keifer	merchant	Elberta	
40	Holly Rains	farmer	Daphne	
41	William J. Russell	mechanic	Daphne	
42	James S. Minchew	laborer	Robertsdale	
43	Floyd Marshall	farmer	Robertsdale	
44	Charles L. Mathews	F. C. A.	Robertsdale	
45	Howard Brooks	barber	Robertsdale	
46	John Murphy McMillan	mill man	Stockton	
47	Preston Snowden	contractor	Bay Minette	
48	Harry Still	dealer	Bay Minette	
49	Peter Malbis	farmer	Daphne	
50	Louis B. Underwood	farmer	Summerdale	
51	Mike Kaiser, Sr.	farmer	Elberta	
52	Joe B. Smith	engineer	Tensaw	

No.	NAME	Occupation	Residence Address	Business Address
53	Walter Krueger	Butane Dist.	Foley	
54	Gary Nickelson	Fleet	Bay Minette	
55	Jim Henderson	carpenter	Fairhope	
56	Will McKee	laborer	Bay Minette	
57	John Gottler	farmer	Elberta	
58	M. C. Cooper	carpenter	Robertsdale	
59	William Gullede	farmer	Robertsdale	
60	Sam Faircloth, Jr.	turpentine	Lillian	
61	Henry Miller	farmer	Bay Minette	
62	William B. Burmeister	farmer	Foley	
63	John Norris, Jr.	farmer	Foley	
64	Bernard Dylrena		Magnolia Springs	
65	Clarence Hand	farmer	Foley	
66	Alois Hanak	farmer	Silverhill	
67	Lewis Cooper	retired	Foley	
68	Bertram Rhodes	dairyman	Bay Minette	
69	Adrian Talbot	filling station	Bay Minette	
70	Dougal Taylor	laborer	Bay Minette	
71	W. Darrington Hastie	timberman	Stockton	
72	Edd Hall	saw mill	Rabon	
73	Sherman R. Hinote	butcher	Robertsdale	
74	Phil Cooper	farmer	Rosinton	
75	Frank Dusek	Defense	Lillian	
76				
77				
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79				
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81				
82				

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs.

John Pipkin charged with

Murder; that the names of jurors from

No. 1 to 15, both inclusive, are the special jurors drawn by the presiding Judge, in

open Court, and that the names of jurors from No. 16 to No. 75, both inclusive, is a correct list

of the regular jurors drawn and summoned for the Second week of the Spring Term, 1949, of the

Circuit Court of Baldwin County, Alabama. I further certify that the foregoing copy of the indictment is a true and correct

copy of the indictment in this case.

Witness my hand this 26 day of March 1949

Taylor Wilkin
Sheriff Baldwin County, Ala.

Executed by serving a copy of the indictment and a correct list of the jurors in this case, on this the 28th day of

March, 1949, upon John Pipkin

the Defendant

Taylor Wilkin Sheriff.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

List of Jurors and Copy of Indictment

STATE

vs.

John Pipkin

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

ATTORNEYS	CASE	CHARGE
<i>John Chason</i>	THE STATE OF ALABAMA	
No.	Vs.	<i>Murder -</i>
	<i>John Pipkin</i>	

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>H. J. Hall</i>	JUDGE'S FEES	
Returnable <i>J. P. Court</i>	Warrant at 50c, Affidavit at 25c	<i>75</i>
Witness—For State <i>W. J. Allen, John D. Little</i>	Bond at 50c, Sci. Fa. at 50c	
<i>Wimberly Jenkins, Dock Warr</i>	Witnesses' Recognizances at 25c	
<i>Pete Sellers, J. L. Barrow, Lonnie</i>	Subpoena or Notice at 25c	
<i>Through his attorney John Chason,</i>	Continuance at 25c	
<i>Defendant waived his preliminary</i>	Trial of Misdemeanor at \$1.00	<i>1.00</i>
<i>hearing and was bound over to</i>	Mittimus at 25c	<i>25</i>
<i>Grand Jury - Fall Term of</i>	Judgment on Forfeited Bond at 25c	
<i>Circuit Court under \$2500</i>	Taking Bond, etc., on Appeal at \$1.00	
<i>bond.</i>	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	<i>4 00</i>
	Committing, \$1.00; Releasing, \$1.00	<i>1 00</i>
	Subpoenas at 25c Day's Board at 30c	<i>1 00</i>
	WITNESS FEES	
	Days at 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

*Frank P. Probst Justice of the Peace
Precinct 4 Baldwin Co*

Def. Ex 1

STATE OF ALABAMA

SPRING TERM
1949

VS.

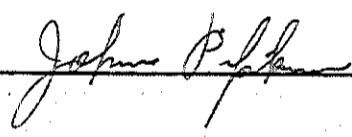
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

JOHN PIPKIN

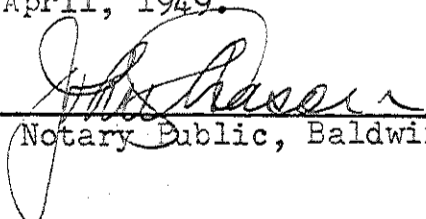
The witness Wembley Jenkins, who was duly and legally subpoenaed as a witness for the defendant in the above styled cause and who was duly served but who is absent at the trial of this cause would testify as follows if he were present at said trial:

That his name is Wembley Jenkins; that on the afternoon of Saturday, February 28th, 1948, at about 4:00 o'clock or 4:30 o'clock P. M. he was painting a bed behind the house in which he lived on the property of a lumber yard of Bay Minette, Alabama, owned by Sheppard-Wells. At about that time Mr. John Pipkin got out of a taxi on the road leading through said yard a short distance from the house where witness was; that John Pipkin started walking toward his house which was approximately 150 yards from where the taxi let him out. As John Pipkin was walking toward his house, John Little, who was a negro living near by, called to Mr. Pipkin and when they met John Little called John Pipkin a two bit yellow son of a bitch and said I ought to kill you and at the same time John Little drew a hatchet on Mr. Pipkin. Mr. Rube McConnell had been with witness for about 10 or 15 minutes and Mr. McConnell and I started walking toward John Little and Mr. Pipkin when we heard John Little cursing him and witness told John Little to leave Mr. Pipkin alone. At that time Mr. Rube McConnell, who was also known as Marshall McConnell started cursing Mr. John Pipkin. I told Mr. McConnell to go home and not start a fuss and I started taking Mr. McConnell home. John Pipkin then started to his house and John Little ran up to me and Mr. McConnell with his hatchet and told me to let Mr. McConnell go, if you don't I am going to cut hell out of you. I then left Mr. McConnell and John Little and went back to the bed that I was painting. Mr. McConnell and John Little then followed Mr. Pipkin, who was going to his house. Mr. McConnell hollered to Mr. Pipkin and told him to wait and Mr. McConnell went up to where Mr. Pipkin had stopped; there was nothing

to keep me from having a clear view of them. When Mr. McConnell caught up with Mr. Pipkin, he was carrying an oak stick about four feet long and about 1½ inches wide and 1½ inches thick in his hand. It was the type of stick used for stacking lumber. I did not see Mr. McConnell when he picked up the stick. When Mr. McConnell caught up with Mr. Pipkin he hit Mr. Pipkin with the stick and they began to tussle. Mr. Pipkin broke away and ran to his house. Mr. McConnell was cursing Mr. Pipkin and told him he was going to run him out of the quarters. Mr. McConnell continued to curse Mr. Pipkin and Mr. Pipkin told him to go away and leave him alone that he did not want any ruckus. Mr. Pipkin told Mr. McConnell that he did not want to have to hurt him. Mr McConnell then called Mr. John Pipkin a yellow son of a bitch and said he was going to run him off the place. At that time Mr. Pipkin was in his house standing near the door which was open and Mr. McConnell was a short distance away from the house not far from where he had first hit Mr. Pipkin with the stick. Mr. McConnell then started toward the house and said, "you yellow son of a bitch you don't have guts enough to shoot me". At the time he said that he was walking toward the house. Soon after this I heard a gun fire. I heard only one shot.



Sworn to and subscribed
before me this 5th day of
April, 1949.



Notary Public, Baldwin County, Alabama.

Chair - 100.00
Lift - 100.00
10 - 100.00
15 - 70.00
1 - 10.00
12 - 5.00
a quilted - 100.00

1047

The following items were received from the donor and are being placed in the inventory of the organization. The items are as follows: a chair, a lift, ten items, fifteen items, one item, twelve items, and a quilted item. The total value of these items is \$1,000.00.

The items were received from the donor on the date of the receipt. The donor is a private individual who has donated these items to the organization for its use. The items are being placed in the inventory of the organization and will be used for the benefit of the community.