

1781

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court, SPRING Session, 1954

The Grand Jury of said County charge that before finding this indictment
Horace Johnson, whose name is to the Grand Jury otherwise unknown,
unlawfully and with malice aforethought, did assault Phillip Mitchell,
with the intent to murder him,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eighth Judicial Circuit.

RECORDED

No.

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

SPRING SESSION 1954 ~~FALL, 1954~~

THE STATE

Vs.

HORACE JOHNSON

INDICTMENT

ASSAULT WITH INTENT TO MURDER.

No. Prosecutor.

WITNESSES:

H.F. Hall

Charlie Griffiths

Herman Mitchell

Phillip Mitchell

Willie Mae Johnson

GRAND JURY NO. 28

A TRUE BILL

Ernest D. Bledsoe
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 11th day of

MARCH, 1954.

Wesley J. Smith Clerk.

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

the presence of 17 other Grand Jurors.

Wesley J. Smith Clerk.

Bail fixed \$ 1000⁰⁰

W. J. Smith
Judge.

We the jury ^{found} the defendant
Horace Johnson, guilty of assault
and Battery with a weapon and
agree the penalty shall be six
month hard labor

Wesley J. Smith
Foreman

AFFIDAVIT

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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 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 8 December 1953 that one Horace Johnson
 unlawfully and with malice aforethought, did assault Phillip Mitchell, with the
 intent to murder him/.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 9
 day of December, A. D., 19 53
 J. P.

H. F. Hall

WARRANT

State Of Alabama, }
 Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Horace Johnson

and bring him
 before me to answer the State of Alabama on a charge
 Assault with intent to murder.

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

Witness my hand this 9 day of December, 19 53.

J. P.

The State of Alabama,
Baldwin County.

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

The State of Alabama,
vs.

Horace Johnson

Witnesses for the State:

H. F. Hall
Charles Griffith
Herman Mitchell
Phillip Mitchell
Willie Mae Johnson

Justice Court of
Baldwin County

Warrant of Arrest

The State of Alabama,
vs.

Horace Johnson

Executed this 9 day of Dec 1953

By arresting the within

named Defendant

and placing him *in jail*

Taylor Wilkins Sheriff
Griffith & Hall Deputy Sheriff
Fairhope

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J.

The State of Alabama, {
Baldwin County.

Justice Court of T. C. HAND
Precinct 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:

You are hereby Commanded to Summon

H. F. Hall, Charles Griffith, Herman Mitchell, Phillip Mitchell, Willie Mae Johnson,

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the

26 day of *Dec*, 195*2*, and from day to day of said term, and from term to term thereafter, until discharged, to give evidence and the truth to speak in behalf of THE STATE, in a prosecution now pending in said Court, wherein the State of Alabama is plaintiff and

Wm Johnson

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this

29 day of *Dec*

A. D. 195*2*

T. C. Hand

Justice of the Peace

Executed in full, this the

23 day of

Dec, 1953

Joseph Walburn
Sheriff

W. H. Hall
Deputy Sheriff

THE STATE OF ALABAMA, } To Any Sheriff of the State of Alabama:
Baldwin County

An indictment having been found against

Horace Johnson

at the Spring Term, 1924, of the Circuit Court of Baldwin County, for the offense of

Assault with Intent to Murder

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 11th day of March, 1924

Benjamin J. ...
Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA }
Baldwin County

We, _____, as principal and

the other undersigned as sureties, agree to pay the State of Alabama _____

Dollars, unless the said _____ appears

at the _____ Term of the Circuit Court of Baldwin County, and from Term to

Term thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of the State of Alabama.

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

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 19_____

Sheriff of Baldwin County.

CAPIAS

No. 28

THE STATE

vs.

Grace Johnson

Bail Fixed in This Case in Open Court at

\$ 1000⁰⁰

By Hubert M. Hall,
Judge Presiding.

Attest: _____
Clerk.

Executed this 15 day of Mar, 1924

By arresting the within
named Defendant

and placing him in Jail

Taylor Within, Sheriff

Pat Decker, Deputy Sheriff

O Miller

JURY LIST

state vs
Horace Johnson

Spring Term, March 22nd, 1954

| NO. | NAME | OCCUPATION | ADDRESS |
|---------------|----------------------------------|---------------------------------|---------------------------------|
| 1 | Howard Langham | farmer | Loxley 51 |
| 2 | George Kaiser | farmer | Foley 107 |
| 3 | Henry Biggs | farmer | Lottic 107 |
| 4 | Francis Harren | farmer | Robertsdale |
| 5 | John J. Gallagher | hotel | Fairhope 54 |
| 6 | Virgil Christensen | florist | Foley 107 |
| 7 | R. Howard Vaughn, Jr. | farmer | Robertsdale 108 |
| 8 | Alfred M. Neumann | banker | Elberta 01 |
| 9 | Claud Laurendine | butcher | Foley |
| 10 | Ray Survant | linesman | Foley |
| 11 | Charles W. Barnhill | farmer | Robertsdale 108 |
| 12 | John M. Merchand | business | Daphne |
| 13 | R. H. Young | merchant | Fairhope |
| 14 | Chester A. Stapleton | merchant | Bay Minette 104 |
| 15 | D. Z. Nix | carpenter | Robertsdale 511 |
| 16 | Sims Parker | farmer | Bon Secour 52 |
| 17 | W. T. Canaan | merchant | Loxley 1010 |
| 18 | R. H. Young | merchant | Fairhope 101 |
| 19 | Francis L. Irwin | farmer | Foley 101 |
| 20 | Thomas W. Walters | farmer | Foley 58 |
| 21 | Joe Hanik | farmer | Silverhill |
| 22 | Wallace Parker | mill | Stockton |
| 23 | Norman A. Racine | oil dealer | Robertsdale |
| 24 | J. R. Wilson | chev. dealer | Bay Minette |
| 25 | J. Ernest Duck | mechanic | Bay Minette 102 |
| 26 | Cecil Russel | filling station | Robertsdale 102 |
| 27 | Vernon W. Gebhart | defense | Foley 1010 |
| 28 | Carl Pannan | real estate | Fairhope |
| 29 | Jessie Andrew | telephone oper. | Daphne 104 |
| 30 | Forest F. Warren | farmer & teacher | Fairhope 56 |
| 31 | Henry Pipkin | woodsman | Bay Minette 58 |
| 32 | Harold Gilbert | mechanic | Bay Minette |
| 33 | P. M. Leatherwood | clerk | Daphne |
| 34 | John Beverly | laborer | Robertsdale 106 |
| 35 | Roy Roberson | laborer | Foley |
| 36 | Oscar Rich | bookkeeper | Magnolia Springs 106 |
| 37 | Bud Eady | farmer | Rabon |
| 38 | S. Barner | contractor | Elseaux 105- |
| 39 | Victor Muzink | farmer | Silverhill |
| 40 | Bennie McComb | farmer | Elberta |
| 41 | C. F. Powell | farmer | Bay Minette 53 |
| 42 | Emanuel Davidson | salesman | Bay Minette |
| 43 | Burford White | clerk | Bay Minette 105 |
| 44 | Heyden J. Lewis | clerk | Fairhope 103 |
| 45 | Hubert Lee | laborer | Robertsdale 57 |
| 46 | Jennings Thomas | farmer | Foley 510 |
| 47 | Eugene Passmore | Brookley Field | Summerdale 103 |
| 48 | J. Arthur Gorty | farmer | Delforest |
| 49 | John Weiss | farmer | Foley 55 |
| 50 | Leonard Havel | farmer | Fairhope 107 |
| 51 | Warren D. Gause, Jr. | mg. | Stockton |
| 52 | J. W. Clark, Jr. | merchant | Robertsdale |

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

| Attorneys | Case | Charge |
|-----------|------------------------|--------------------------------|
| | THE STATE OF ALABAMA, | |
| No. 5581 | Vs. Horace Johnson. | Assault with intent to murder. |

| Disposition of Case | Fees | Amount |
|--|---|--------|
| Affidavit made and Warrant Issued to H. F. Hall. | Judge's Fees | |
| Returnable Grand Jury. | Warrant at 50c, Affidavit at 25c | 75 |
| Witness—for State H. F. Hall. | Bond at 50c, Sci Fa. at 50c | |
| Charles Griffith | Witnesses' Recognizances at 25c | |
| Heenan Mitchell | 5 Subpoenas or notice at 25c | 1.25 |
| Phillip Mitchell | 2 Continuance at 25c | .50 |
| Willie Mae Johnson. | Trial of Misdemeanor at \$1.00 | |
| 19 Dec 53. Case continued to 26 Dec 53. | Mittimus at 25c | .25 |
| 26 Dec 53. " " to 28 Dec 53. | Judgment on Forfeited Bond at 25c | |
| 28 Dec 53. Hearing waived to Grand Jury | Taking Bond, etc., on Appeal at \$1.00 | |
| Bond Set \$1,000 | Execution of costs at 25c | |
| As being unable to make bond was | Constable's Fees | |
| Advised committed to jail | 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 | 4.00 |
| | Guard \$2.00, Finger Printing 10c | 2.10 |
| | 5 Subpoenas at 50c, Mileage 70 | 2.50 |
| | Witness Fees | 2.00 |
| | Days at 50c | |
| | Days at 50c | |
| | Days at 50c | |
| | Days at 50c | |
| | Days at 50c | |
| | Days at 50c | |
| | Days at 50c | |
| | Defendant's Costs | |
| | Witnesses' Recognizance at 25c | |
| | Subpoenas at 50c | |
| | Executing Subpoenas | |

*(P) Paid
Notice of Price*

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