

2112

The State of Alabama,
Baldwin County

CIRCUIT COURT, ... SPRING ... SESSION, 19 56

The Grand Jury of said County charge that before finding this indictment
J.B. DAVIS, whose name is to the Grand Jury otherwise unknown,
unlawfully, and with malice aforethought, killed Orrie Hilburn
by shooting him with a rifle,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No.

The State of Alabama
Baldwin County

Circuit Court

SPRING SESSION ~~XXXX~~ 1956

The State

vs.

J.B. DAVIS

INDICTMENT

MURDER, 1st DEGREE.

No. Prosecutor

WITNESSES:

J.D. HORN

AUDREY MAE CHANDLER

JACK CHANDLER

MRS W. M. McDILL

JAMES WILSON

Miss. Ormae. Bowers
Chapman, Beech
Shirley Williams

GRAND JURY NO. 36

A TRUE BILL

Foreman Grand Jury.

Filed in open Court and in the presence of

the Grand Jury on the 14 day of

March, 1956

W. J. ...
Clerk.

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

the presence of 4 other Grand Jurors.

Miss. J. ...
Clerk.

Bail fixed \$ 3000

W. ...
Judge.

We the jury find the Defendant Guilty of
Manslaughter in first degree as charged in
the indictment and set sentence of ten
years with recommendation that he serve
the full ten years.

Roger F. Barnhill

THE STATE OF ALABAMA, }
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

J. B. Davis

at the Spring Term, 1956, of the Circuit Court of Baldwin County, for the offense of

Murder, 1st 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 16 day of March, 1956

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. 56

The State
vs.

J. B. Davis

Bail fixed in this Case in Open Court at

\$ 3000⁰⁰

By A. M. Hall
Judge Presiding

Attest: _____
Clerk.

Executed this 17 day of March, 1956

By arresting the within

named Defendant

and placing him In Jail

_____, Sheriff

W. O. Garner, Deputy Sheriff

omi

2112

THE STATE OF ALABAMA,

VS.

J. B. DAVIS

No. _____

On this the 17th day of March, 19456, the Defendant, being in open Court in person, and it being made known to the court that the Defendant in this case is indicted for a capital offense and that he is unable to employ counsel, it is ordered by the Court that E. Dennis Thompson, who is a regularly licensed attorney practicing in this Court, be, and he hereby appointed counsel for the Defendant in this case.

On this the 17 day of March, 19456, the Defendant being in open Court in person, and attended by his counsel, is duly and legally arraigned upon the indictment, and for his plea thereto says that Not Guilty He is not guilty

On this 17 day of March, 19456, in the cause of the State of Alabama against wherein the Defendant is charged with the offense of Murder first degree the Defendant in person being then and there in open Court and attended by his counsel, the following proceedings were had and orders made in open Court in the presence of the Defendant and his counsel:

It is ordered and adjudged by the Court that the 27 day of March, 19456, it being Tuesday of the Second Week of this Term of the Court, be and the same is hereby fixed for the date of the trial of this cause, and that the Sheriff of this Court summons 70 persons in this cause, including those persons drawn on the regular juries for the second week of this term of this Court.

It is ascertained and adjudged by the Court that 60 persons have been drawn on the regular juries for the said Second Week of this Term of this Court. And the Court ordered that the legal jury box of this County be brought into open Court, and the Court ascertained and adjudged that said order had been obeyed, and that said box was, in open Court, well shaken. The Court then and there in open Court, publicly drew from the said jury box the names of 60 persons, the same being the number of persons required, with the regular juries drawn for the Second Week of this Term of this Court, to make the number of persons the Sheriff was commanded to summons in this cause by order of the Court herein-before set forth. The Clerk of the Court, in the presence of the Court, immediately made a list of the names drawn by the Court from the jury box in this cause. And it is ordered and adjudged by the Court that the said Clerk forthwith issue a mandate to the Sheriff of this County, commanding him to summons said persons whose names the Court drew from the jury box in this cause and the regular jurors drawn for the Second Week of this Term of this Court to appear in this Court as jurors in this cause at the Court House of this county at 9 o'clock on Tuesday morning of the Second Week of this Term of this Court, the same being the 27 day of March, 19456.

It is ordered and adjudged by the Court that the Sheriff of this County forthwith serve on the Defendant a list of the names drawn in this cause by the Court from the jury box, and a list of the names of all the jurors drawn for the Second Week of this Term of this Court, together with a copy of the indictment in this cause.

7257

2112

Bay Minette

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

Jack Chandler, Colonel Armstrong
Audree Mae Chandler, Lloyd Carlton, J. D. / Horn

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

3 day of June, 1955, 9 AM, 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

J. S. Davis
Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 27 day of May, A. D., 1955.
T. J. Lued
Justice of the Peace

7257

2112

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

Frieda Brackins
Summersdale, Ala.

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

3 day of June, 1955, 9 AM, 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

J. S. Davis
Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 27 day of May, A. D., 1955.
T. J. Lued
Justice of the Peace

Bay Minette

Executed in full, this the

27 day of

May, 1955

Taylor Wilkins
Sheriff

Carlito S. Garcia
Deputy Sheriff

Executed in full, this the

1 day of

June, 1955

Taylor Wilkins
Sheriff

J. Brown
Deputy Sheriff

7257

2112

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 Comianded to Summon

James W. Wilson
Stockton

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
3 day of *June 9 AM*, 1955, 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

J. B. Davis

Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 27 day of *May*, A. D. 1955.

[Signature]
Justice of the Peace

2112

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 Comianded to Summon

Mrs W. M. Weill

R. J. Branger

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
3 day of *June 9 AM*, 1955, 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

J. B. Davis

Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 27 day of *May*, A. D. 1955.

[Signature]
Justice of the Peace

Executed in full, this the

1 day of

June, 1955

Taylor Wilkins
Sheriff

J. Horn
Deputy Sheriff

MOORE PRINTING CO. MOORE, ILL.
MADE IN U.S.A.

Executed in full, this the

1 day of

June, 1955

Taylor Wilkins
Sheriff

J. Horn
Deputy Sheriff

MOORE PRINTING CO. MOORE, ILL.
MADE IN U.S.A.

The State of Alabama, }
Baldwin County.

We, J. B. Davis, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
~~THREE~~ THOUSAND & 00/100 ~~THOUSAND~~ DOLLARS
unless the said J. B. Davis appears at the
next Term, 1955 of the Grand Jury 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 constitu-
tion 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

Baldwin County, Ala.

Taken and approved this the 6th day of June 1955

J. B. Davis L.S.
Jake Jacobs L.S.
x William Gray L.S.
x L. B. Drake L.S.
Carl Fleming L.S.
J. B. Drake Sheriff
E. J. Walker Deputy Sheriff

By _____, Deputy Sheriff

State
16
J.B. Davis

JURY LIST

Spring Term, March 26th, 1956

No.	Name	Occupation	Address
1	Robinson, John B.	Farmer, Foley	408
2	Klein, Jerome	Insurance, Fairhope	12
3	Doege, Herman	Businessman, Elberta	
4	Polard, Lewis	Laborer, Foley	5
5	Corte, J. Arthur	Farmer, Belforest	54
6	DePhillippi, Jim	Farmer, Daphne	
7	Hensen, Clarence W.	Fisherman, Daphne	516
8	Snyder, Burns	Brookley Field, Rabon	511
9	Carlisle, Dennis C.	Newport, Bay Minette	515
10	Baldwin, Tony	Laborer, Foley	8
11	Brown, George, A.	Press-Register, Gulf Shores	
12	Robinson, George E.	Millman, Stockton	
13	Wilson, George	Airport Oper., Foley	107
14	Messeroll, Walter H.	Boat Operator, Gulf Shores	511
15	Caprara, Lewis J.	Laborer, Bay Minette	104
16	Bung, Floyd	Merchant, Fairhope	104
17	Norman, Jack	Band Director, Fairhope	8
18	Keene, Glen, Corp.	Fairhope	105
19	Keinschmidt, Erwin	Farmer, Elberta	
20	Coleman, Denny	Laborer, Bay Minette	101
21	Robinson, Dudley	Insurance, Fairhope	105
22	Griffith, Jack	Shipyard, Fairhope	106
23	Latner, A. K.	Carpenter, Loxley	
24	Harrison, John	Laborer, Summerdale	
25	Green, J. Harold	Cafe Operator, Bay Minette	510
26	Eloch, John	Farmer, Elberta	8
27	Highbee, Evan S.	Farmer, Belforest	8
28	Vitous, Albert	Farmer, Silverhill	
29	Memmert, John Jr.	Farmer, Elberta	
30	Miller, Robert M.	Merchant, Bay Minette	1010
31	Newton, Forrest, B.	Clerk, Bay Minette	55
32	Henkins, C. E.	Farmer, Robertsdale	56
33	Black, Rufus M.	Farmer, Loxley	8
34	Barnhill, Roger	Farmer, Loxley	
35	Matthews, Nelson	Truck Driver, Summerdale	
36	Stallworth, F. W.	Painter, Summerdale	517
37	Fletcher, Charles T.	Gov't Employee, Bay Minette	102
38	Chestang, Phelham, D.	Brookley Field, Bay Minette	
39	Stephens, W. Henry	Millman, Stockton	59
40	DeBrock, George	Cabinet Maker, Fairhope	1062
41	Davis, Roy	Barber, Bay Minette	
42	Trione, Leonard	Real Estate, Daphne	108
43	Baumann, Fred	Civil Service, Elberta	510
44	Dyer, Ted	Mechanic, Fairhope	1012
45	Lafiam, Laurence F.	Machinest, Foley	1015
46	Lazzari, Joe, Jr.	Farmer, Belforest	
47	Lazzari, Angelo	Farmer, Belforest	102
48	Graham, Benjamin F.	Newport, Bay Minette	52
49	Sandt, Sam	Druggist, Fairhope	102
50	Strama, Frank	Merchant, Silverhill	102
51	Northcutt, Corte M.	farmer, Rosinton	10152
52	Stewart, Aubrey J.	Farmer, Rabon	5
53	Sims, Joel A.	Farmer, Rabon	513
54	Coley, David S.	Laborer, Bay Minette	53
55	Boyer, Floyd	Farmer, Rabon	57
56	Smith, William D.	Farmer, Gulf Shores	
57	Nealey, Jan	Farmer, Bay Minette	54
58	Garner, Henry	Artist, Robertsdale	1012
59	Riddleton, Frank	Trucker, Foley	1013
60	Jenkins, William Robert	Farmer, Stapleton	104
61	Jenkins, Albert M.	Farmer, Stapleton	102
62	Burgert, Tony A.	Farmer, Elberta	103
63	Smith, Jack	Farmer, Elberta	103

61
12
29
17
32

S XXXXX XXXXX XXXXX XX
#####

AFFIDAVIT

Printed by Moore Printing 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 J. D. Horn 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 20 May, 1955 that one J. B. Davis
unlawfully, and with malice aforethought, killed Orrie Hilburn, by clubbing and shooting
him with a rifle

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 21

day of May A. D., 19 55
T. C. Hand, J. P.

J. D. Horn

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest J. B. Davis
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 21 day of May, 19 55
T. C. Hand, J. P.

The State of Alabama
Baldwin County

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA
VS.

J. B. DAVIS

Witnesses for the State:

J. D. Horn

R. J. Tranger
Audrey Mae Chandler
Garth Wilson
Mrs. M. E. Dill
Jack Chandler

Printed by Moore Printing Co.

Justice Court of
Baldwin County

Warrant of Arrest

THE STATE OF ALABAMA,
vs.

J. B. DAVIS

Executed this 21 day of May 1955

By arresting the within

named Defendant

J. B. Davis

and placing him

in Jail

Jay Wilkins, Sheriff

J. D. Horn, Deputy Sheriff

Breezy Pine

2112

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

Attorneys	Case	Charge
No. 7251	THE STATE OF ALABAMA, Vs. J. B. Davis	Murder

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to <i>J. D. Horn</i>	Judge's Fees	
Returnable <i>Grand Jury</i>	Warrant at 50c, Affidavit at 25c	75
Witness—for State <i>J. D. Horn</i>	Bond at 50c, Sci Fa. at 50c	
<i>R. J. Granger.</i>	Witnesses' Recognizances at 25c	
<i>Audrey Mae Chandler.</i>	8 Subpoenas or notice at 25c	200
<i>James Wilson</i>	Continuance at 25c	
<i>Mrs W. M. Mc Gill</i>	Trial of Misdemeanor at \$1.00	
<i>Jack Chandler.</i>	Mittimus at 25c	25
<i>Frieda Brockius</i>	Judgment on Forfeited Bond at 25c	
<i>Coleman Armstrong</i>	Taking Bond, etc., on Appeal at \$1.00	
<i>Bound over to Grand Jury.</i>	Execution of costs at 25c	
<i>Bond set \$3,000</i>	order of commitment to jail	25
<i>ref being unable to make bond</i>	Subpoena or Notice at 25c	
<i>was ordered committed to jail.</i>	Carrying Defendant before Justice	
<i>ref. posted bond</i>	each mile for himself and guard at 10c	
	Arrest 50c	
	Sheriff's Fees	
	Arrest \$2.00, Bond \$1.00, Sci Fa. 50c	5.00
	Guard \$2.00, Finger Printing 10c	2.10
	8 Subpoenas at 50c, Mileage 8	4.50
	Recommended to jail	2.00
	Days at 50c	
	8 witness	
	Days at 50c	4.00
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Defendant's Costs	
	Witnesses' Recognizance at 25c	
	Subpoenas at 50c	
	Executing Subpoenas	

At hand
Justice Court

2112

Account of the ...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...