

STATE OF ALABAMA

VS.

WILLIAM HENRY

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

DEMURRERS TO PLEA IN ABATEMENT.

Now comes the State of Alabama, by its Solicitor, and demurs to the Plea in Abatement filed by the Defendant in said cause, and to each plea or count therein, separately and severally, and assigns the following grounds of demurrer:

1. Said pleas are objections taken to an indictment on grounds going to the formation of the grand jury, other than that the jurors were not drawn in the presence of the officers designated by law, and objections to the indictment on any other ground going to the formation of the grand jury are forbidden by Section 5202 of the Code of Alabama.

2. Said pleas are objections to the indictment in this case, on grounds going to the formation of the Grand Jury which preferred the same, other than that the grand jurors who found the ~~same~~ ^{said} indictment were not drawn by the officer designated by law to draw the same, and such objections to an indictment are prohibited by Section 8630 of the Code of Alabama.

3. Said pleas set up no legal grounds why the State of Alabama should not prosecute the Defendant further on said indictment preferred against him.

4. Said pleas set up no legal grounds for abating the prosecution in this case.

5. Said pleas contain no prayer for judgment of the Court thereon.

~~The State of Alabama, by its Solicitor, demurs to plea number 2, filed in said cause and assigns the following grounds of demurrer:~~

~~1. Said plea does not set out the race or color of defendant.~~

~~2. Said plea does not show the invasion of any constitutional or legal right of the defendant.~~

The State of Alabama, by its Solicitor, demurs to Plea numbered 3, filed in said cause, on the following grounds:

1. Said plea is too general.
2. Said plea does not show in what way his rights were violated or he was denied equal protection of the laws.
state
3. Said pleas do not ~~show~~ any irregularity or illegality in connection with the filling of the jury box from which said grand jury was drawn.
4. Said plea does not show the race or color of defendant.

The State of Alabama, by its Solicitor, demurs to pleas numbered 4, 5 and 6, filed in this cause, and assigns the following grounds of demurrer thereto, separately and severally:

1. The provisions of the laws pertaining to the duties of the Jury Board in preparing cards for the jury box are merely directory and not mandatory.
2. Such objections to the grand jury preferring the indictment in this case are prohibited by Sections 8636 and 8637 of the Code of Alabama.
3. Said pleas do not allege or charge any fraud in connection with the drawing of the grand jury which preferred the indictment in this case.
4. Said pleas do not set up any special injury to defendant resulting from the matters complained of.
5. Said pleas do not allege ~~any irregularity or~~ that defendant was deprived of any of his legal rights by the matters set out therein.
6. Said pleas do not set up any special injury resulting to defendant from the Jury Board's failure to use the same color in preparing all the cards for the jury box.
7. Said pleas do not show the systematic exclusion of negroes from the jury box on account of their race or color.
8. ~~Said pleas do not state the race or color of~~

~~the defendant~~

Ralph L. Jones
Solicitor for 21st Judicial Circuit
of Alabama.

Demurrers to Plea

State vs
Willow Henry

Demurrers to Plea
in abatement

Judge April 27/1939
R. D. Deery
Clerk

W. H. Deery
Clerk

MOTION TO STRIKE DEFENDANT'S
MOTION TO QUASH THE INDICTMENT:

STATE OF ALABAMA,

VS.

WILLIAM HENRY.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Filed April 27 1937
R. D. McPherson
Daniel

STATE OF ALABAMA)
Vs.)
WILLIAM HENRY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

MOTION TO QUASH VENIRE

Comes the defendant, a person of the negro race, and moves to quash the venire served on the defendant in this cause for the following separate and several reasons, to-wit:

1. He is a person of the negro race and all negroes, many of whom were fully qualified to serve as Jurors, were arbitrarily excluded by the Jury Commission and their names left out of the jury box from which this jury was drawn.

2. A large portion of the population of Baldwin County, Alabama, is composed of negroes, many of whom are fully qualified to serve as jurors in said County and State, all of whom have been arbitrarily excluded from serving as jurors because of their race and color.

3. The Jury Board of Baldwin County, Alabama, in preparing the jury roll and in filling the jury box from which this jury was drawn, did not comply with the law in that the jury box was not filled with plain white cards of the same size and texture, having written or printed thereon the name, occupation, place of residence and business of the person whose name had been placed on the jury roll, but, instead, all of the names of the white jurors in said jury box were written or printed on white cards and the names of the few negroes therein were placed on colored cards.

4. Because of the method of filling the jury box from which this venire was drawn, defendant has been denied the equal protection of the laws guaranteed him by the Constitution and Laws of the United States and of the State of Alabama.

5. The Jury Board of Baldwin County, Alabama, did not comply with the law in placing the cards and names of the respective jurors in the jury box from which this venire was drawn because they arbitrarily placed the names of a few negro jurors on colored cards and the names of white jurors on white cards.

6. The Jury Board of Baldwin County, Alabama, in filling the jury box from which this venire was drawn, did not comply with the law in that they placed the names of the white jurors in said jury box on white cards and the names of the few negroes on colored cards, which enabled any person drawing a jury from said box to arbitrarily exclude the negroes from the said venire:

All of which the Defendant is ready to verify:

J. A. Madsen, Jr.
Attorney for Defendant.

STATE OF ALABAMA)

Vs.)

WILLIAM HENRY)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AMENDMENT TO PLEA IN ABATEMENT

Comes the defendant and amends his plea in abatement by adding the following to pleas 4, 5, and 6, to-wit:

That defendant is a member of the negro race, and that all members of the negro race were arbitrarily, systematically and fraudulently barred from the grand jury which found this indictment, by the fact that members of the jury board instead of putting the names of all the people in the jury box on plain white cards of the same size and texture, put the names of white jurors on white cards and the names of the few colored jurors on colored cards, and thereby denied the defendant the equal protection of the laws guaranteed him by the Constitution and laws of the United States and of the State of Alabama. And that said acts of the jury board in placing the names of the colored jurors on colored cards and the white jurors on white cards constituted a fraud in the drawing of said jury and resulted in a systematic exclusion of all members of the negro race from said grand jury.

William Henry

Sworn to and subscribed before me this
27th day of April, 1937

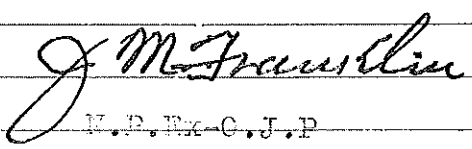
Arthur D. Hall
Notary Public

Baldwin County, Alabama

Filed April 27 1939
Asst. Dir.
Clerk

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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No.	Vs	Murder
	William Henry	

	DISPOSITION OF CASE	FEES	AMOUNT
January 2nd 1937	Affidavit made and Warrant Issued to <u>M.H. Wilkins</u> Returnable to Justice court Witness--- for State <u>M.H. Wilkins, Ludry Moorer, Lucile Mason,</u> <u>Catherine Nowan, Gussie Nowan and Pinkie Roberson</u>	JUDGE'S FEES Warrant at 50c, Affidavit at 25c Bond at 50c, Sci Fa at 50c Witnesses' Recognizances at 25c Subpoena or notice at 25c Continuance at 25c Trial of Misdemeanor at \$1.00 Mittimus at 25c Judgment on Forfeited Bond at 50c Taking Bond, etc , on Appeal at \$1.00 Execution for costs at 25c	75 1.00 25 2.50
	Comes the defendant <u>William Henry</u> and waives preliminary hearing to action of grand jury, the defendant was committed to jail without bail.	CONSTABLE'S FEES Subpoena or Notice at 25c Carrying Defendant before Justice, each mile for himself and guard at 10c Arrest 50c
	 N.P. Ex-C.J.P	SHERIFF'S FEES Arrest \$2.00, Bond \$1.00, Sci Fa 50c Committing \$1.00, Releasing \$1.00 Subpoenas at 25c ... Day's Board at 30c	4.00 2.00
		WITNESSES FEES Days at 50c " 50c " 50c " 50c " 50c " 50c " 50c	6.00
		DEFENDANT'S COSTS Witnesses' Recognizance at 25c Subpoenas at 25c Executing Subpoenas

MOTION TO QUASH INDICTMENT.

THE STATE OF ALABAMA

Vs.

WILLIAM HENRY

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IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Now comes the said Defendant and moves the Court to set aside and quash the indictment herein against him, because the jury commissioners, appointed to select the grand jury which found and presented said indictment, selected no person or persons of color or of African descent, known as "negroes", to serve on said grand jury; but, on the contrary, did exclude from the list of persons to serve as such grand jurors all colored persons or persons of African descent, known as "negroes", because of their race and color; and that said grand jury was composed exclusively of persons of the white race, while all persons of the colored race or persons of African descent, known as "negroes", although consisting of and constituting a large proportion of the population in said county of Baldwin, and although otherwise qualified to serve as such grand jurors, were excluded therefrom on the ground of their race and color, and have been so excluded from serving on any jury in said Circuit Court for a great many years, which is a discrimination against the defendant, since he is a person of color and of African descent, known as a "negro"; and that such discrimination is a denial to him of the equal protection of the laws, and of his civil rights guaranteed by the Constitution and laws of the United States and the State of Alabama, all of which the Defendant is ready to verify.

William Henry
Defendant.

Sworn to and subscribed before me on this the 15th day of April, 1937.

J. B. T. Blackburn
Notary Public, Baldwin County, Alabama.

State vs Wm Henry M...

Jury List, Second Week, April 26, 1937.

- 1 George A. Simpson, Farmer, Bay Minette
- 2 Chester Mattingly, Farmer, Robertsdale
- ~~3 Oscar F. Fowler, Farmer, Stapleton 1815~~
- ~~4 Wallace L. Green, Foreman, Bay Minette 51~~
- 5 Hiram C. Taylor, Farmer, Bay Minette
- ~~6 Henry Peaden, Farmer, Bay Minette 54~~
- 7 Andrew Benton, Boatman, Bon Secour
- 8 Mike West, Carpenter, Loxley
- ~~9 William E. Cooney, Real Estate, Foley 1822~~
- 10 Emmet P. Robinson, Farmer, Belforest
- ~~11 John W. Munn, Filling Station, Bay Minette 1875~~
- ~~12 Albert R. Lipscomb, Farmer, Magnolia Springs 56~~
- ~~13 Robert C. Randolph, Nurseryman, Perdido Beach 55~~
- 14 Harold J. Miller, Mechanic, Fairhope
- ~~15 Henry P. Kamper, Merchant, Fairhope 59~~
- 16 John E. Gooden, Naval Stores, Fairhope
- ~~17 William J. Roberts, Clerk, Foley 1810~~
- ~~18 Pete Hamert, Farmer, Elberta 1815 58~~
- ~~19 Elbert Servant, Telephone Co., Foley 1815 970~~
- ~~20 Arthur John Rich, Farmer, Foley 1815~~
- ~~21 Robert A. Smith, Timberman, Latham 1815~~
- 22 Harry Williams, Farmer, Foley
- ~~23 Edward Levins, Butcher, Fairhope 1816~~
- 24 Hugh Metcalf, Farmer, Foley
- 25 Herbert H. McLain, Clerk, Robertsdale
- ~~26 Louis E. White, Blacksmith, Bay Minette 1816~~
- ~~27 Ira Guess, Farmer, Bay Minette 1815~~
- ~~28 John Johnson, Forester, Bay Minette 52~~
- ~~29 Alfred Billy, Barber, Bay Minette 57~~
- ~~30 Willie Whitley, Naval Stores, Bay Minette 57~~
- ~~31 Alvin Rawls, Filling Station, Bay Minette 1819~~
- ~~32 Forrest Newton, Millman, Bay Minette 1819~~
- ~~33 Freddie Waters, Laborer, Bay Minette 1819~~
- ~~34 Edward F. Benoist, Laborer, Bay Minette 1819~~
- ~~35 Perry A. Taylor, Farmer, Bay Minette 1819~~
- ~~36 Thomas J. Davidson, Meat Market, Bay Minette 1819~~
- ~~37 Joseph L. Ruple, Electrician, Bay Minette 1819~~
- 38 Willard Weekly, Barber, Bay Minette
- ~~39 Neal McDuffie, Cafe, Bay Minette 1819~~
- ~~40 Louis Bush, Clerk, Bay Minette 1819~~
- ~~41 Verner Bay, Printer, Bay Minette 1819~~
- ~~42 Davis Duck, Farmer, Bay Minette 1819~~
- ~~43 Charles T. Sims, Printer, Bay Minette 1819~~

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State
Wm Henry

STATE OF ALABAMA

Vs.

WILLIAM HENRY

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

PLEA IN ABATEMENT.

Comes the Defendant, a person of the negro race, and for plea says: The State ought not further to prosecute this Indictment against him and should abate this action for the following separate and several reasons, to-wit:

1. He is a person of the negro race and all negroes, many of whom were fully qualified to serve as Jurors, were arbitrarily excluded by the Jury Commission and their names left out of the jury box from which the grand jury which found this Indictment was drawn.
2. A large portion of the population of Baldwin County, Alabama is composed of negroes, many of whom are fully qualified to serve as Jurors in said County and State, all of whom have been arbitrarily excluded from serving as jurors because of their race and color.
3. Because of the method of filling the jury box from which the grand jury which found this Indictment was drawn, Defendant has been denied the equal protection of the laws guaranteed him by the Constitution and Laws of the United States and the State of Alabama.
4. The Jury Board of Baldwin County, Alabama, in preparing the jury roll and in filling the jury box from which the grand jury which found this Indictment was drawn, did not comply with the law in that the jury box was not filled with white cards of the same size and texture, having written or printed thereon the name, occupation, place of residence and business of the person whose name had been placed on the jury roll, all of the names of the white jurors in said jury box having been written or printed on white cards and the names of the few negroes therein having been placed on colored cards.

5. The Jury Board of Baldwin County, Alabama, did not comply with the law in placing the cards and names of the respective jurors in the jury box from which the grand jury which found this Indictment was drawn because they arbitrarily placed the names of a few negro jurors on colored cards and the names of white jurors on white cards.

6. The Jury Board of Baldwin County, Alabama, in filling the jury box from which the grand jury which found this Indictment was drawn, did not comply with the law in that they placed the names of the white jurors in said jury box on white cards and the few negroes on colored cards, which enabled any person drawing a grand jury from said box to arbitrarily exclude the negroes from the said grand jury:

All of which the Defendant is ready to verify.

William Henry

Defendant.

Sworn to and subscribed before me
on this the 13th day of April, 1937.

J B Blackburn
Notary Public, Baldwin County, Alabama.

NOTED BY THE BELLEVILLE BOARD OF ALDERMEN

[Handwritten signature]

ON THE 15th DAY OF APRIL, 1937,
BEFORE ME and subscribed before me

Defendant.

[Handwritten signature]

ALL OF WHICH THE DEFENDANT IS READY TO ADOPT.

THE NEGROES FROM THE SAID BIRTH JULY:

BEFORE CHANGING A BIRTH FROM BIRTH BOX TO BIRTH JULY BOX
AND THE NEGROES ON COLORED CARDS, WHICH SHOULD BE
BIRTH AND NAMES OF THE WHITE BIRTH IN BIRTH JULY BOX ON WHITE
IDENTIFY THE BIRTH, THE NEGROES FOR THE BIRTH JULY IN BIRTH JULY
BIRTH THE BIRTH BOX FROM BIRTH JULY BIRTH JULY BIRTH JULY
BIRTH JULY BIRTH JULY BIRTH JULY BIRTH JULY BIRTH JULY

THE NAMES OF WHITE BIRTH ON WHITE CARDS.

~~THE NEGROES FROM THE SAID BIRTH JULY:~~

WHICH SHOULD BE IDENTIFIED AND NEGROES SHOULD BE IDENTIFIED
RESPECTED BIRTH IN THE BIRTH BOX FROM BIRTH JULY BIRTH JULY
NOT COME WITH THE BIRTH JULY BIRTH JULY BIRTH JULY BIRTH JULY
BIRTH BIRTH JULY BIRTH JULY BIRTH JULY BIRTH JULY BIRTH JULY

[Handwritten signature] April 15th 1937

2.

The court charges the jury that if you believe from the evidence that the defendant killed the deceased in the heat of passion suddenly aroused by an affray with the deceased, without deliberation or premeditation, then you cannot find the defendant guilty of murder in the first degree.

3.

The court charges the jury that murder in the second degree is the unlawful killing of a human being with malice, but without deliberation or premeditation.

1.

The court charges the jury that if you believe from the evidence, beyond a reasonable doubt, that the defendant voluntarily killed the deceased by cutting him with a knife, and that such killing was the result of a sudden passion, caused by an assault made upon the defendant by the deceased, and not justifiable, - as done in self-defense, and not done with malice aforethought, you will find the defendant guilty of manslaughter in the first degree.

NO 13 The Court Charges the jury that malice is a fact or question of fact to be proved and to be determined by the jury just as any other fact is proven or determined and this fact the state must prove beyond all reasonable doubt and if the circumstances show excuse, justification or immediate provocation there can be no conclusive ~~in~~ presumption of malice from the use of a deadly weapon ~~either~~ in murder ~~or in assault with intent to murder.~~

*Benjamin Moore
Judge*

*Benjamin Moore
Judge*

*Benjamin Moore
Judge*

*Benjamin Moore
Judge*

Charge No 10

*Review
P. W. Ware
George*

The Court charges the jury that "formed design" to take the life of another is not the same as or equivalent of premeditation and deliberation and while a ~~xxxxxxx~~ homicide perpetrated from a formed design or in revenge of a previous wrong, real or supposed, is murder in an aggravated form, but if the homicide be perpetrated in the heat of passion, provoked by a sudden assault, it will not rise above voluntary manslaughter.

Charge No 9

*Review
P. W. Ware
George*

The Court charges the jury that in murder in the first degree it is not enough to constitute the crime that the killing was done maliciously, but it must be shown to have been done willfully, deliberately and premeditatedly that ~~the~~ "premeditated" means that the party must intend - before he strikes the blow ~~xxxxxxx~~ that he will strike it at the time he strikes it and that death will be the result of the blow and that "deliberate" means that the party slaying another must intend to take the life of the person slain before he takes that life and in all cases it is for the jury to determine from the proven facts ^{and} ~~the~~ circumstances of the case whether the killing is deliberate or premeditated and it is not a presumption of law from the use of a deadly weapon

We the jury find
the defendant guilty
of murder in first
degree as charged in
the indictment and
fix the punishment
to life imprisonment

H. W. Bradford
Foreman

6.

The Court charges the jury that if you have a reasonable doubt as to whether this killing was done deliberately, or as to whether it was done premeditatedly, then you could not find the defendant guilty of murder in the first degree, and if you have a reasonable doubt as to whether the killing was done with malice, then you cannot find the defendant guilty of murder in either degree.

*Revised Charge
J.M. Ware
Judge*

4.

The court charges the jury that the defendant is under no duty to show or explain who was in fault in bringing on the fatal encounter, if the evidence shows that it reasonably and honestly appeared to the defendant that he was in imminent peril to life or great bodily harm, and that an attempt to escape would increase the peril.

*J.M. Ware
Judge*

Charge No. ~~3~~ 14

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 this in this case,, it is your duty gentlemen of the jury to render a verdict of not guilty *of murder in the First Degree*

*Revised Charge
J.M. Ware
Judge*

8.

The Court charges the jury that if you believe from the evidence that defendant and deceased were on a drinking party and started a fight between themselves, and in the heat of a sudden passion engendered by such fight defendant cut deceased to death, then you cannot find the defendant guilty of murder in the first degree.

*W. W. Stare
Judge*

Charge No. 2 //

*W. W. Stare
Judge*

The Court charges the jury, if the evidence is irreconcilable you must consider that evidence which you consider worthy of credit and discard that which you do not deem worthy of credit; you must give the evidence just such weight which you think it deserves.

Charge No. 2

*W. W. Stare
Judge*

The Court charges the jury there can be no presumption of malice from the use of a deadly weapon, where the killing or assault with intent to kill was made with legal excuse or justification or where the defendant has rebutted this presumption of malice by legal testimony.

7.

The Court charges the jury that a killing in sudden passion, excited by sufficient provocation without malice, is manslaughter, not because the law supposes that this passion made the slayer unconscious of what he was about to do, but because it presumes that passion disturbs the sway of reason and makes him regardless of her admonition.

*W. W. Stare
Judge*

REPLICATION:

STATE OF ALABAMA,

VS.

WILLIAM HENRY.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed April 27 1927
R. D. Duck
clerk.

CLERK'S FEES	at	AMOUNT	SHERIFF'S FEES	at	AMOUNT
Taking Affidavit.....	.50		Arrest.....	2.00	4 00
Issuing..... Capias.....	.50		Bond.....	1.00	6
.....			Guarding Prisoner.....	2.00	2 00
.....			Serving..... Subpoenas.....	.50	7 50
Docketing.....	.10	10	Serving..... Notices.....	.50	
Issuing..... 17 Subpoenas.....	.25	4 20	Executing Search Warrant, Day.....	1.00	
.....			Executing Search Warrant, Night.....	2.00	
..... Continuance by Defendant.....	.25			
Order of Removal and Incidents.....	1.00		Summoning Jury in Capital Case or Special Criminal Court.....	5.00	5 00
.....			Fees in County Court.....		
.....			Seizure.....	3.00	
Taking..... Recognizances.....	.50	 Miles @ 10c.....		
Discharge of Bail.....	.50				
Entry of..... Forfeiture vs. De- fendant.....	.50		RECAPITULATION.		185 0
Final Judgment of Forfeiture vs. Defendant.....	.50		Fine.....		
Entry of..... Forfeiture vs. Witness and Jurors.....	.25		Clerk's Fees.....		985 -
Trial.....	.50	50	Sheriff's Fees.....		185 0
Judgment.....	.25	25	Solicitor's Fees.....		750 0
Final Judgment of Sentence.....	.25	25	Justice's Fees.....		75
Issuing..... Execution.....	.50	50	Constable's Fees.....		
Issuing..... Sci. Fas and Copies.....	.70		Witness Fees in Circuit Court.....		128 0
Transcrip and Certificate..... Folios.....	.15	75	Witness Fees in County Court.....		
Final Record..... Folios.....	.15	20	County Court Judge's Fees.....		
Record of Supreme Court..... Folios.....	.15		Removal Bill.....		
Certifying Same.....	.25		Stenographer.....	5.00	5 00
Recording Indictment.....	.25	25	Trial Tax.....	3.00	3 00
Clerk's Fees in County Court.....			Board..... Days at.....		
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Total Clerk's Fees.....		9 85	Total Fees and Fines.....		1349 0

STATE OF ALABAMA, BALDWIN COUNTY.

To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded that of the goods and chattels, lands and tenements of.....

J. William Roney

you cause to be made the sum of.....

Dollars and..... Cents, which the State of Alabama, for the use of
Baldwin County, hath recovered against.....

..... on the 27 day of
April 1927, by the judgment of our *Circuit* Court, held for the County
of Baldwin, besides *one Hundred Twenty Four and 90/100*

cost of prosecution; and have the same to render to the said State for the use aforesaid; and make return of this writ,
and the execution thereof, according to law.

Witness my hand, this 15 day of *July* 1928

[Signature], Clerk.

Fl. FA. No. 223

Case No. 223

THE STATE OF ALABAMA,
Baldwin County.

Circuit COURT

THE STATE
Vs.

William Henry

Issued ed, 192

Fee Book..... Page.....

Execution Docket..... Page.....

FL. FA. STATE

Defendant's Attorney.

Filed in Office of Clerk Circuit Court
8/15, 1928
Rosner, Clerk.

Received in Office. (11)

August 16, 1928
M. H. Shelton, Sheriff.

The State of Alabama,
Baldwin County.

By virtue of the within Execution, I have levied

Returned 10-13-35

W. P. Roberts - Sheriff

M. H. Shelton
Sheriff

W. P. Roberts
Sheriff

The State of Alabama, }
Baldwin County

Circuit Court, APRIL Term, 19 37

The Grand Jury of said County charge that before the finding of this indictment William Henry, whose name to the Grand Jury is otherwise unknown, unlawfully, and with malice aforethought, killed James Roberson, alias James Robinson, by cutting him with a knife,

against the peace and dignity of the State of Alabama.

RALPH L. JONES
Solicitor of the Twenty-first Judicial Circuit.

No. _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

April Term, 1937

The State
VS.

WILLIAM HENRY

INDICTMENT

Murder in First Degree

No. _____ PROSECUTOR.

WITNESSES:

E. H. Wilkins

C. N. Anderson

Pinkie Roberson

Audrey Moorer

Lucille Mason

Catherine Norman

Gussie Norman

J. L. Barrow

Morris Hamilton

GRAND JURY NO. **13**

A TRUE BILL.

J. A. Pilgrim

FOREMAN GRAND JURY.

Filed in open court and in the presence of the

Grand Jury on the **15** day of

April 1937

R. S. 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.

R. S. Duck, Clerk.

THE STATE
vs.
WILLIAM HENRY

In the Circuit Court of Baldwin County,

April

Term, 1937

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 51, both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 2 to No. 51, both inclusive, being the regular jurors drawn and summoned for the Second week of the April, 1937 Term of said Court, the said cause having been set for trial on the 27th day of April 1937, which is a day of said Second week of the April, 1937 Term of said Court, to-wit:

NO.	NAME	OCCUPATION	RESIDENCE ADDRESS	BUSINESS ADDRESS
1	Henry C. Crawford, Jr.	Farmer	Montrose	Montrose
2	Tony Klumpp	Garage	Fairhope	Fairhope
3	George A. Simpson	Farmer	Bay Minette	Bay Minette
4	Chester Mattingly	Farmer	Robertsdale	Robertsdale
5	Oscar F. Fowler	Farmer	Stapleton	Stapleton
6	William A. Glover	Farmer	Daphne	Daphne
7	Dewey Godwin	Contractor	Bay Minette	Bay Minette
8	Wallace L. Green	Foreman	Bay Minette	Bay Minette
9	Hiram C. Taylor	Farmer	Bay Minette	Bay Minette
10	J. Holten Beasley	Brick Mason	Bay Minette	Bay Minette
11	Harry T. Corley	Dairyman	Bay Minette	Bay Minette
12	Henry Peaden	Farmer	Bay Minette	Bay Minette
13	Andrew Benton	Boatman	Bon Secour	Bon Secour
14	John Frank	Farmer	Elberta	Elberta
15	Mike West	Carpenter	Loxley	Loxley
16	Leonard J. Hooper	Bookkeeper	Bay Minette	Bay Minette
17	Arthur Stapleton	Farmer	Daphne	Daphne
18	John E. Soesbe	Farmer	Foley	Foley
19	William E. Cooney	Real Estate	Foley	Foley
20	Thomas W. Trawick	Truckman	Bay Minette	Bay Minette
21	Emmet P. Robinson	Farmer	Belforest	Belforest
22	John W. Munn	Filling Station	Bay Minette	Bay Minette
23	Albert P. Lipscomb	Farmer	Magnolia Springs	Magnolia Springs
24	Thomas B. Smith	Merchant	Loxley	Loxley
25	Robert C. Randolph	Nurseryman	Perdido Beach	Perdido Beach
26	George Holk	Merchant	Foley	Foley
27	Harold J. Miller	Mechanic	Fairhope	Fairhope
28	Henry P. Kamper	Merchant	Fairhope	Fairhope
29	Mack J. Moore	Farmer	Magnolia Springs	Magnolia Springs
30	Max Davis	Merchant	Foley	Foley
31	Lawrence Fritz	Clerk	Foley	Foley
32	John E. Gooden	Naval Stores	Fairhope	Fairhope
33	William J. Roberts	Clerk	Foley	Foley
34	Pete Hamert	Farmer	Elberta	Elberta
35	Elbert Servant	Telephone Co.	Foley	Foley
36	Arthur John Rich	Farmer	Foley	Foley
37	Robert A. Smith	Timberman	Letham	Letham
38	Roy E. Walker	Fisherman	Mifflin	Mifflin
39	George Schaff	Carpenter	Elberta	Elberta
40	Jack Ferrell	Real Estate	Foley	Foley
41	Alfred Reibe	Farmer	Elberta	Elberta
42	W. Dolive Bill	Farmer	Loxley	Loxley
43	Harry Williams	Farmer	Foley	Foley
44	Edward Levins	Butcher	Fairhope	Fairhope
45	Peter O. Olson	Farmer	Silverhill	Silverhill
46	Eugene Kee	Laborer	Foley	Foley
47	Alfred N. Hayselden	Farmer	Foley	Foley
48	Thomas E. Mitchell	Farmer	Foley	Foley
49	Hugh Metcalf	Farmer	Foley	Foley
50	Herbert M. McLain	Clerk	Robertsdale	Robertsdale
51	George Dyson	Brick Mason	Fairhope	Fairhope
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NO.	NAME	OCCUPATION	RESIDENCE ADDRESS	BUSINESS ADDRESS
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs William Henry charged with Murder in First Degree; that the names of jurors from No. 1 to No. 51, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. 2 to No. 51, both inclusive, is a correct list of the regular jurors drawn and summoned for the Second week of the April Term, 1937, 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 17th day of April, 1937.

[Signature]
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 17th day of April, 1937, upon William Henry the Defendant

[Signature] Sheriff.

The State of Alabama,
Baldwin County

CIRCUIT COURT

List of Jurors and Copy of Indictment

STATE

vs.

WILLIAM HENRY

THE STATE OF ALABAMA }
BALDWIN COUNTY

In the Justice Court of

J.M. Franklin

Before me, J.M. Franklin, N.P. Ex-0. J.P.

in and for said county personally appeared M.H. 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 December 26th 1936 that one

William Henry unlawfully and with malice aforethought, killed
James Roberson, Alias Shine by cutting him with knife,

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this
26th day of December

A. D. 1936

J.M. Franklin, N.P. Ex-0-- J. P.

M.H. Wilkins

The State of Alabama, }
Baldwin County

TO ANY LAWFUL OFFICER OF SAID COUNTY, Greeting :

You are hereby commanded to arrest William Henry

and bring Him before Me to answer

the State of Alabama on a charge Of murder

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

Witness my hand this 26th day of December 1936

J.M. Franklin
N.P. Ex-0-- J. P.

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

JUSTICE COURT OF

J.M. Franklin

THE STATE
VS.

William Henry

WARRANT AND AFFIDAVIT

WITNESSES FOR THE STATE

M.H. Wilkins, Audry Mocer,

Lucile Mason, Catherine Norman,

Gussie Norman, Pinkie Roberson

Moore Printing Co.

Presented this 15th day of May 1926

My authority the within
named Defendant

William Henry

and placing him in jail

M.H. Wilkins

[Vertical handwritten signature]

The State of Alabama, }
Baldwin County

Circuit Court, April Term, 1937

The Grand Jury of said County charge that before the finding of this indictment William Henry, whose name to the Grand Jury is otherwise unknown, unlawfully, and with malice aforethought, killed James Roberson, alias James Robinson, by cutting him with a knife,

against the peace and dignity of the State of Alabama.

Ralph L. Jones

Solicitor of the Twenty-first Judicial Circuit.

RECORDED

Duck

No. Ind. 264

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

April Term, 1937

The State
VS.

William Henry

INDICTMENT

Murder in First Degree

NO PROSECUTOR.

WITNESSES:

M. H. Wilkins

C. N. Anderson

Pinkie Roberson

Audrey Moorer

Lucille Mason

Catherine Norman

Gussie Norman

J. L. Barrow

Morris Hamilton

GRAND JURY NO. 13

A TRUE BILL.

J. A. Reagin
FOREMAN GRAND JURY.

Filed in open court and in the presence of the

Grand Jury on the 15 day of

April 1937

R. S. 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.

R. S. Duck Clerk.

*me, the jury. For the defendant's acquity
& murder in the first degree has
been granted in the indictment and for
his punishment all life imprisonment.*

W. H. Simpson