

THE STATE OF ALABAMA, }

(375)

Baldwin County

We, Wm. Howard Smith, Catherine J. Evans and Lula C. Etheredge, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

Five hundred DOLLARS

unless the said Howard Smith appear at the

March 15th Term, 194 7 of the Justice 10 AM Court of Baldwin County, Alabama,

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Rape

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 William H. Smith (SEAL)

_____ day of _____, 194 _____ Catherine J. Evans (SEAL)

_____ Lula C. Etheredge (SEAL)

_____, Baldwin County, Ala. _____ (SEAL)

Taken and approved this the 3rd day of March 194 7

Lester Wilkins Sheriff

By _____, Deputy Sheriff,

STATE OF ALABAMA)
 (
COUNTY OF MOBILE)

I, W.H. Holcombe, Sheriff of
Mobile County, Alabama, hereby,
certify that the within bond is
a good and sufficient bond and
if offered to me in Mobile
County, I would accept same.

This the 3rd day of March 1947

W.H. Holcombe
W.H. HOLCOMBE, Sheriff of
Mobile County, Alabama

922

NO. 2017

The State of Alabama
BALDWIN COUNTY

Justice COURT

SHERIFF'S OFFICE

THE STATE

VS.

Wm. Howard Smith

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 194

_____, Clerk

THE STATE OF ALABAMA

Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 895-

Term. Special 19347

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

Mr. Bruce Nelson

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 29th day of July, 19347 at 8:30 a.m., 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 DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and

William Howard Smith

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 16 day of July A. D., 19347.

[Signature]

R. S. DUCK, Clerk.

Received in office 7-16, 1937

Executed this 7-18, 1937

By Serving in full

ORIGINAL

For _____

No. 895 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

William Howard Smith

STATE SUBPOENA

Issued this 16th day of

July, 1937

Alice J. Neuck
Clerk.

Taylor Watkins
Zellie B. Griffin Sheriff.
D.S.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 795

Term. Special, 1937

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Mr. P. E. Bot ^{the} Winnings Party
+ Mrs. Elizabeth Watson + Nappie Coker,
v. ~~Mr. James Nelson~~

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 29 day of July, 1937, at 8:30 a.m., 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 DEFENDANT in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and William Howard Smith

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

Witness my hand this 16th day of July A. D., 1937

R. S. DUCK, Clerk.

Received in office 7-16, 1937

Executed this _____, 193_____

By _____

Received 18th
 and on _____
 I served a copy of the within
 on _____
 by _____
 by service on _____

W. R. Carter
 Sheriff

Sheriff.

8108 ✓ 18

ORIGINAL

For Mobile

No. 895 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE,
Vs.

William Howard Smith

STATE SUBPOENA

Issued this 16th day of

July, 1936

Alley J. Ruck
Clerk.

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

SUB. No. _____

Case No. 895

Term. Spring, 1937

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

- ~~1~~ R. E. Boy 17 Wilson Ave. Fowlerville, Ala.
- ~~2~~ F. M. Carter 10 North Hallett St. Mobile, Ala.
- ~~3~~ Demp Boy near McCusker's Store, Whistler, Ala.
- ~~4~~ Mrs. Elizabeth Watson Beacham, Ala.
- ~~5~~ Miss Berice Nelson Bay Minette, Ala.

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 2nd day of May, 1937, at 8:30 a.m., 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 DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and William Howard Smith

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

Witness my hand this 24 day of April A. D., 1937 R. S. DUCK, Clerk.

E. 56

Mobile 383

Received in office 4-24, 1947

Executed this 4-30, 1947

By Deputy copy on

W. E. Box

J. M. Cordeiro

Deputy Box

Mr. E. J. Wilson

ORIGINAL

For _____

No. 895 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

William Howard Smith

STATE SUBPOENA

Issued this 24 day of

April, 1947

Alice J. Wick
Clerk.

W. E. Box
Sheriff.

THE STATE OF ALABAMA,
Baldwin County }

No. 17

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon ^B ~~Mr. R. E. Boy~~ ^{Dimp} ~~Boy~~,
^W ~~Mr. Elizabeth Watson~~, ^W ~~Mr. R. E. Boy~~
301 St. Francis St.,
Mobile, Ala.

to be and appear on the _____ day of April, 1947, 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 1st day of April A. D., 1947

Alice J. Duck Clerk.

244.

Mobile

ORIGINAL

348

No. 17

GRAND JURY SUBPOENA

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

Mrs R.E. Box

Dump Box

Mrs Eliz. Watson

& by leaving a copy for

R.E. Box

this 11th day of Apr, 1947

W.H. Cornick

, Sheriff

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 895

Term Special, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon ⁺ Mrs. R. E. Boy, 301 St Francis St Mobile

^{1/19} Miss Boy + Mrs. Elizabeth Watson + R. E. Boy
²¹ Mrs Cleveland Legg + Nappie Cohen, etc.
W. B. Nelson ²¹

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House

thereof, in Bay Minette, on the 29 day of July, 1947, at 8:30 a. m., 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 William Howard Smith

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

Witness my hand this 16 day of July A. D. 1947 Reid R. S. DUCK, Clerk.

Received in office 7-16, 1947
Executed this 7-19, 1947
By _____

8108
7/18
V
18

ORIGINAL
For mobile
No. 895 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

William Howard Smith

STATE SUBPOENA

Issued this 16 day of
July, 1947.

Alice J. Welch
Clerk.

18th
19th
20th
21st
22nd
23rd
24th
25th
26th
27th
28th
29th
30th
31st

Day of _____ 1947
At _____
County of _____
State of Alabama

Subscribed and sworn to before me this _____ day of _____ 1947
at _____
County of _____
State of Alabama

Notary Public

Sheriff

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 895

Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon Mrs. R. E. Box, Dimp Box, Mrs. Elizabeth

Watson, R. E. Box.

*Mrs. Cleveland Leger, ~~Emmie Mason~~
Taylor, ~~W. B. Nelson~~, Nappie Capen Mr. W. B. Nelson*

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 2nd day of May, 1947, at 8:30 a. m., 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 WILLIAM HOWARD SMITH

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

Witness my hand this 18th day of April A. D. 1947 Mrs. R. S. DUCK, Clerk.

Received in office 4-21, 1947

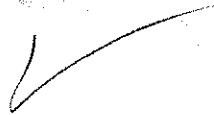
Executed this April, 1947

By Taylor Wilkins

Taylor Wilkins

W. B. Nelson

Taylor Wilkins
W. B. Nelson Sheriff



ORIGINAL

For _____

No. 895 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

WILLIAM HOWARD SMITH

STATE SUBPOENA

Issued this 18th day of

April, 1947

Clerk.

THE STATE OF ALABAMA,

CIRCUIT COURT

copy

BALDWIN COUNTY

Sub No. _____

Case No. 495

Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon Nappie Capen

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 2nd day of May, 1947, at 8:30 a. m., 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 William Howard Smith

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

Witness my hand this 18 day of April A. D. 1947

Alice J. Duck
R. S. DUCK, Clerk.

Received

4/23/47

Returned

4/26/47

Not found in my County after diligent search and inquiry.

W. A. HOLCOMBE, Sheriff

W. A. Holcombe

By

File

Mobile

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

323

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 895-

Term Spring, 1947

To Any Sheriff of the State of Alabama

You are hereby commanded to Summon

+ Mrs. R. E. Bop, Dimp Bop

+ Mrs. Elizabeth Watson, R. E. Bop, Nappie Cupie

301 St Francis St., Mobile, Ala.

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 2nd day of May, 1947, at 8:30 a. m., 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 William Howard Smith

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

Witness my hand this 21 day of April A. D. 1947 R. S. DUCK, Clerk.

EST.

Received in office 4-21, 1947

Executed this 4-23, 1947

By _____

Mr. R. E. Boy
R. E. Boy
Dump Boy
Mr. Elizabeth Watson

ORIGINAL

For Mobile Co.

No. 895 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

William Howard Smith

STATE SUBPOENA

Issued this 21 day of

Apr, 1947

Alice J. Leach
Clerk.

Sheriff

CHARGE "C".

The court charges the jury that if they believe that the Prosecutrix wilfully swore falsely as to any material facts in this case, then the jury may disregard all of her testimony.

*Wm
F. W. Stare
Judge*

Charge No. 6.

The Court charges the Jury that the charge of Rape is one which is easy to be made and hard to be defended against; and great caution is requisite upon all trials for this crime, that the natural indignation of men which is aroused against the perpetrator of such an outrage be not misdirected, and the mere charge be taken for proper proof of the crime on the part of the person on trial.

*Given
D. M. Stone
Judge*

CHARGE "D".

The Court charges the jury that although there may be no probability of the innocence of the defendant, yet if there is in the minds of the jury a reasonable doubt of his guilt, it is the duty of the jury to give him the benefit of the doubt and acquit him.

*W. M. Howard
Judge*

CHARGE "E".

The Court charges the jury that a reasonable doubt may arise though there is no probability of the defendant's innocence in the testimony and if the jury have not an abiding conviction to a moral certainty of his guilt, then they should find him not guilty.

*Given
J. K. Hale
July 8*

The Court charges the Jury that although the prosecutrix may not have consented in fact, yet, if the jury believe from the evidence in this case that her conduct towards the defendant, at the time of the alleged rape, was such as to create in his mind an honest and reasonable belief that she had consented, or was willing for him to have connection with her, they must acquit the defendant.

*Given
to
Judge*

Charge No.7.

The Court charges the Jury that the charge of Rape is one which is easy to be made and hard to be defended against; and you should consider this fact in weighing the evidence in this case and exercise caution that all the elements of the crime be proven beyond a reasonable doubt before you convict the defendant.

*Wine
#12
Judge*

*Given
J. W. Stone
Judge*

Charge No. 16

The Court charges the Jury that you should consider the relative strength of the prosecutrix and the defendant in this case in determining the sufficiency of the resistance offered by the prosecutrix.

CHARGE "B".

The court charges the jury that the defendant enters into this trial with a presumption of innocence, and this is a fact in the case, which must be considered with all the evidence and should not be disregarded.

Given
F. N. Hare, Judge

Charge No.9.

The Court charges the Jury that where a woman is awake, of mature years, of sound mind, and her power of resistance is not overcome by fear, a failure to oppose the carnal act is consent; and, though she object verbally, if she make no outcry and no resistance, she, by her conduct consents, and the act is not rape in the man.

*Quinn
vs. State
Judge*

THE STATE OF ALABAMA,
Baldwin County

Circuit Court, Spring Session ~~Term~~ 1947

The Grand Jury of said County charge that before the finding of this indictment William Howard Smith, whose name is to the Grand Jury otherwise unknown, forcibly ravished Eunice Morrow, a woman,

[Faint, mostly illegible text, possibly bleed-through or ghosting from the reverse side of the page.]

against the peace and dignity of the State of Alabama.

[Handwritten signature]
Solicitor of the Twenty-first Judicial Circuit.

No. _____

THE STATE OF ALABAMA,
Baldwin County

Circuit Court

Spring Session XXXX 194 7

THE STATE

Vs.

William Howard Smith

INDICTMENT

Rape

No. _____ Prosecutor.

WITNESSES:

C. E. Garrett ✓

Mrs. R. E. Box ✓

Demp Box

Mrs. Elizabeth Watson

R. E. Box

Mrs. Cleland Legg ✓

Taylor Wilkins

Napple Coker

Dr. W. B. Nelson

GRAND JURY NO. 17

A TRUE BILL

Edna Foreman

Foreman Grand Jury.

Filed in open Court and in the presence of

the Grand Jury on the 16 day of

April, 1947

W. J. ... Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 12 other Grand Jurors.

W. J. ... Clerk.

Bail fixed \$ _____

Judge.

*The the jury find the defendant
William Howard Smith not guilty*
Edna Foreman

NUMBER 21

The court charges the jury that if they believe from the evidence in this case that the prosecutrix failed to appear before a grand jury until almost two years after the crime is alleged to have been committed, without having shown reasonable proof for not having prosecuted the matter, this fact may be considered by the jury in weighing her testimony.

Refused
J. M. Hare
Judge

Revised (abstract)
J.W. Hare
Judge

ONE - a

The Court charges the Jury that it is a well settled rule of the law that if there are two reasonable constructions which can be given the facts proven - one favorable and the other unfavorable to the accused - it is the duty of the Jury to give that which is favorable rather than that which is unfavorable to the accused.

*Refused (covered)
F. M. Spence
Judge*

CHARGE No. 5

The Court charges the jury that the charge of Rape is one which is easy to be made and hard to be defended against; and great caution is requisite upon all trials for this crime that the mere charge be not taken for proper proof of the crime on the part of the person on trial.

CHARGE NO. 8.

The Court charges the Jury that the charge of
Rape is one which is easy to be made and hard to be
defended against.

*Refused (covered)
F. M. Hare, Judge*

Charge No. 53

The Court charges the jury that unless you believe from the evidence in this case that the prosecutrix, at the time of the alleged assault, was rendered powerless through fear, or shock, or otherwise, to offer resistance, you must believe beyond a reasonable doubt that the prosecutrix offered genuine resistance other than mere verbal disapproval of the act, before you can convict the defendant; and you may consider the relative size of the parties, their ages, their physical condition, the efforts made by the prosecutrix to avoid the act, whether she made any outcry, and all the attending circumstances surrounding the alleged commission of the crime, in determining whether such resistance as is required by law was offered in this case.

*Refused to stand
F. W. Judge.*

THE STATE
vs.

In the Circuit Court of Baldwin County,

William Howard Smith

Spring Session

Term, 1934

Venire of the jurors in the above stated cause, names herein stated from No. 53 to No. 62 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 1 to No. 52, both inclusive, being the regular jurors drawn and summoned for the Second week of the Spring Term of said Court, the said cause having been set for trial on the 2nd day of May, 1934, which is a day of said Criminal week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	R. A. Hale, Jr	Plumber	Robertsdale	same
2	James W. Cyphers	Postal Clerk	Foley	same
3	Ben J. Griffin	Farmer	Summerdale	same
4	W. J. Hastings	Laborer	Summerdale	same
5	Charles E. Gantt	Millman	Little River	same
6	M. Ivan Jensen	Farmer	Summerdale	same
7	Roy Holmes	Teacher	Bay Minette	same
8	A. D. Stapleton	Farmer	Loxley	same
9	Everett M. Gidmunson	Farmer	Silverhill	same
10	Quinton J. Cooper	Farmer	Robertsdale	same
11	W. R. Cooper	Farmer	Robertsdale	same
12	J. C. Grimes	Produce Man	Loxley	same
13	William Lenz	Defense	Elberta	same
14	J. Nick Sawyer	Salesman	Magnolia Springs	same
15	George K. Page	Clerk	Robertsdale	same
16	Albert Boone	Mechanic	Foley	same
17	Rudolph Doering	Tire Vulcanizing	Foley	same
18	Joe Durant	Newport	Bay Minette	same
19	Hugh S. Metcalf, Sr.	Farmer	Foley	same
20	Joe Krauss	Farmer	Elberta	same
21	Julio Corte	Farmer	Belforest	same
22	Aaron E. Gill	Oil Truck Driver	Foley	same
23	E. C. Callaway	Fisherman	Bon Secour	same
24	Edward Carver	Farmer	Bon Secour	same
25	John A. Callaway	Fishing	Foley	same
26	George O. Gill	Clerk	Foley	same
27	August H. Mueller	Contractor	Foley	same
28	Harry Still	Merchant	Bay Minette	same
29	Brady Powell	Newport	Bay Minette	same
30	Woodrow Bryant	Farmer	Stockton	same
31	Charlie Barnett	Farmer	Belforest	same
32	Thomas Hadley	Stock Grower	Foley	same
33	Lewis Cooper	Retired	Foley	same
34	B. W. Anderson	Farmer	Silverhill	same
35	H. T. Childress	Merchant	Loxley	same
36	Ted McGowan	Mechanic	Bay Minette	same
37	C. S. Childress	Farmer	Robertsdale	same
38	Edward P. Moravec	Brookley Field	Robertsdale	same
39	James S. Minchew	Laborer	Robertsdale	same
40	Chas. H. Matthews	Farmer	Robertsdale	same
41	Jack D. Taylor	Merchant	Bon Secour	same
42	Dougal Taylor	Laborer	Bay Minette	same
43	Alma Vines	Mechanic	Bay Minette	same
44	Ben Sowell	Mechanic	Bay Minette	same
45	Derrile Stuart	Cement Mfg.	Bay Minette	same
46	Bill Stuart	Laborer	Bay Minette	same
47	Ted Fraser	Plumber	Bay Minette	same
48	Lloyd A. Ballard	Radio Repair	Bay Minette	same
49	Raymond McMillan	Farmer	Stockton	same
50	John R. Montgomery	Merchant	Foley	same
51	Roland Killcreas	Laborer	Stockton	same
52	Bill Stewart	Printer	Bay Minette	same

No.	NAME	Occupation	Residence Address	Business Address
53	Waldo C. Teem	Farmer	Foley	same
54	W. F. Cody	Merchant	Foley	same
55	Lee A. Kuffski	Fisherman	Bon Secour	same
56	Albert Haupt	Farmer	Elberta	same
57	Dan C. Hayes	Farmer	Foley	same
58	Warren Wilcox	Farmer	Rosinton	same
59	John L. Gwaltney	Farmer	Robertsdale	same
60	C. C. Strong	Gasoline Dealer	Foley	same
61	Thomas L. Allen	Farmer	Gateswood	same
62	Glennon G. Beech	Mechanic	Foley	same
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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 HOWARD SMITH

charged with

RAPE

; that the names of jurors from

No. 53 to No. 62

, both inclusive, are the special jurors drawn by the presiding Judge, in

open Court, and that the names of jurors from No. 1 to No. 52

, both inclusive, is a correct list

of the regular jurors drawn and summoned for the SECOND week of the SPRING Term, 1947, 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 the indictment in this case.

Witness my hand this 19th day of APRIL 1947

Laura Wilkins
Sheriff Baldwin County, Ala.

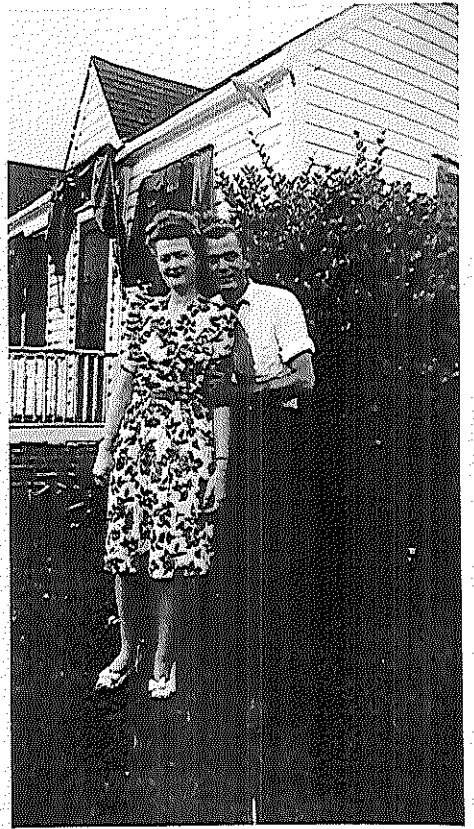
Executed by serving a copy of the indictment and a correct list of the jurors in this case on this the 19th day of

April, 1947, upon William Howard Smith

the Defendant

Laura Wilkins Sheriff.

The State of Alabama Baldwin County	CIRCUIT COURT	LIST of JURORS and COPY of INDICTMENT	STATE vs.	
---	----------------------	---------------------------------------	---------------------	--



Dept. Exhibit "A"

5



1000

James R. Smith
Div. of Prisons
Mobile, Ala.
5-19-47

EX PARTE, WILLIAM HOWARD SMITH | BEFORE JUDGE CLAUDE A. GRAYSON
| CIRCUIT JUDGE OF MOBILE
| COUNTY, ALABAMA.

William Howard Smith having filed his Petition on May 16, 1947 in the Circuit Court of Mobile County, Alabama, alleging that he was being illegally detained in the Baldwin County Jail by Taylor Wilkins, Sheriff of Baldwin County, Alabama, under an indictment for rape, a copy of which indictment was attached to said Petition and alleging that he was not guilty of said crime, and

A Writ of Habeas Corpus was issued by Claude A. Grayson Judge of the Circuit Court of Mobile County, Alabama, returnable May 22 at 11 o'clock A. M. before said Judge and it now appearing to said Court from the statements of H. M. Hall, County Solicitor of Baldwin County, Alabama, and John Chason, one of the attorneys for the Defendant that said Writ should be granted and that it is agreeable to both the State and the Defendant to fix the Bond of the said William Howard Smith at \$3,000.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Writ of Habeas Corpus above referred to is hereby granted and the Bond of the said William Howard Smith is fixed at the sum of \$3,000.00.

Dated this 19 day of May, 1947.

Claude A. Grayson
Circuit Judge of Mobile
County, Alabama

STATE OF ALABAMA, :
COUNTY OF MOBILE. :

I, John E. Mandeville, Clerk of the Circuit Court of Mobile County, State of Alabama, hereby certify that the above is a true and correct copy of the Order made by the Court on this day.

Witness my hand this the 19th day of May, 1947.

John E. Mandeville
Clerk of the Circuit Court, Mobile
County, State of Alabama.

ERRORE JUDGE CLAUDE A. GRAYSON
 CIRCUIT JUDGE OF MOBILE
 COUNTY, ALABAMA.

WILLIAM HOWARD SMITH

Filed
 5-10-47
 Alice J. Alcock
 Clerk.

William Howard Smith having filed his petition on

May 10, 1947 in the Circuit Court of Mobile County, Alabama,

alleging that he was being illegally detained in the Baldwin

County Jail by Taylor Wilkins, Sheriff of Baldwin County, Alabama,

under an indictment for rape, a copy of which indictment was

attached to said petition and alleging that he was not guilty of

said crime, and

A Writ of Habeas Corpus was issued by Claude A. Grayson

Judge of the Circuit Court of Mobile County, Alabama, returnable

May 22 at 11 o'clock A. M. before said Judge and it now appearing

to said Court from the statements of H. M. Hall, County Solicitor

of Baldwin County, Alabama, and John Chason, one of the attorneys

for the Defendant that said Writ should be granted and that it is

agreeable to both the State and the Defendant to fix the Bond of

the said William Howard Smith at \$3,000.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the

Court that the Writ of Habeas Corpus above referred to is hereby

granted and the Bond of the said William Howard Smith is fixed at

the sum of \$3,000.00.

Dated this 11 day of May, 1947.

[Signature]
 Circuit Judge of Mobile
 County, Alabama

STATE OF ALABAMA
 COUNTY OF MOBILE

Al. John E. Mandeville, Clerk of the Circuit Court of Mobile
 County, State of Alabama, hereby certify that the above is a true
 and correct copy of the Order made by the Court on this day.
 Witness my hand this 13th day of May, 1947.

[Signature]
 Clerk of the Circuit Court, Mobile
 County, State of Alabama.

STATE

VS.

WILLIAM HOWARD SMITH.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY, ALA

July 29, 1947.

The Defendant is not ready for trial on account of the absence of Elizabeth Watson, a witness summoned for the defendant, who is absent without the procurement or consent of the defendant, and who if present would testify as follows:

That on or about the 9th day of June, 1945, she was living in Mobile, Alabama; that Mrs. R. E. Box called her to go on a party as the date of one Nappy Coker, a man whom she had never met; that she agreed to go and they came by her house and picked her up; that eight persons, being four men and four women went together to Fairhope in one automobile. That some one had whiskey in the car and every one in the party was drinking with the exception of Mr. R. E. Box. That they took several drinks on the way to Fairhope; when the party arrived at Fairhope they went to the second floor of the Casino building where they spent more than an hour drinking and dancing. That they carried their whiskey to the Casino with them and every one except Mr. R. E. Box engaged in drinking at that place. That finally the whole party left the Casino and went down to the beach where they all went out into the water; that both Ruth Morrow and William Howard Smith had been drinking with the party and both went along into the water with the party; that her date, Nappy Coker, became sick and left the crowd, but that she remained with the crowd until they all left the water; that besides their party, there were a considerable number of other people in the water in and around them; that they stayed in the water for a considerable length of time, during all of which time she was in close proximity to the defendant and Ruth Morrow, and numerous other persons were close to them; that she came out of the water along with them and that during all the time she was in the water the said Ruth Morrow made no outcry or any call for help; that nothing occurred to

draw her attention to the said Ruth M^orrow or William Howard Smith and that she noticed nothing unusual while they were in the water, or when they came out together on the beach. That she noticed no unusual disturbance either in the water or on the beach after they came out.

William Howard Smith

Sworn to and subscribed before me
this 29th day of July, 1947.

Alice J. Smith
~~Notary~~ clerk circuit court

Charge No. 20

*James
Stare
K.M. W.L.
Judge*

The Court charges the jury that if you have a reasonable doubt growing out of the evidence in this case, or any part thereof, as to whether the prosecutrix consented to the act of sexual intercourse, or as to whether she made all such resistance thereto as she was capable of making under the attending circumstances, you should acquit the defendant.

*Winn
Stare
Judge*

NUMBER 19

The court charges the jury that the burden is on the state to convince you of defendant's guilt to the exclusion of every reasonable doubt, and by evidence that overcomes the presumption of fact, that the law surrounds the defendant with, that he is innocent of crime.

NUMBER 18

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 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.

*Winey
H. W. Starks
Judge*

*Isimer
G. W. Hare
Judge*

NUMBER 17

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.

*Amesbury
Judge*

NUMBER 17

The court charges the jury that if any individual juror is not convinced of defendant's guilt beyond all reasonable doubt, and to a moral certainty, the jury cannot convict.

TWO - B

The Court charges the Jury that defendant should be given the benefit of a favorable construction of the facts.

Wm. H. Harb, July 2

CHARGE "A".

The Court charges the jury that if this jury is not satisfied beyond a reasonable doubt, to a moral certainty and to the solution of every other reasonable hypothesis but that of the guilt of the defendant, then you should find him not guilty, and it is not necessary to raise a reasonable doubt that the jury should find from all the evidence a probability of the defendant's innocence, but such a doubt may arise even when there is no probability of his innocence in the testimony, and if the jury have not an abiding conviction to a moral certainty of his guilt it is the duty of the jury to acquit him.

*Kinew
A. W. Ward
Judge*

NUMBER 10

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.

*Benjamin
F. W. Hare
Judge*

THE STATE OF ALABAMA, }
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

William Howard Smith

at the Spring Term, 1947, of the Circuit Court of Baldwin County, for the offense of

Rape

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 16th day of April 1947

Alice J. Hester
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. 17

THE STATE

vs.

William Howard Smith

Bail Fixed in This Case in Open Court at

\$ _____

By _____
Judge Presiding.

Attest : _____
Clerk.

Executed this 16th day of April 1947

By arresting the within

named Defendant

William Howard Smith

and placing him in jail

Saylor Wilkins
Sheriff.

Deputy Sheriff.

STATE OF ALABAMA,
Baldwin County

We, William Howard Smith as principal, and
the undersigned

as sureties, agree to pay the State of Alabama, the sum of Three Thousand Dollars,
unless the said William Howard Smith appears at the
Face Term, 1947, 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 Rape

and we hereby waive the benefit of all laws exempting property from levy and sale under execution
or other process for the collection of debt. by constitution of the State of Alabama, and we hereby
severally certify that we have property over and above all debts and liabilities to the amount of the
above bond.

William H. Smith (Seal)
Lula C. Cithersedge (Seal)
Catherine Evans (Seal)

Taken and approved this the 21 day of May 1947

Lloyd Wilkins Sheriff.
By _____ Deputy Sheriff.

No. 896

The State of Alabama,
Baldwin County

COURT.

Sheriff's Office

The State

vs.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed

193

, Clerk

5/19/27
I, W. N. Holcombe as
Sheriff of Mobile County
Ala, hereby certify
that the within Bond
is a good and sufficient
Bond and would be
approved by me if
presented to me in
Mobile County, Ala.

~~W. N. Holcombe~~
as Sheriff of Mobile
County, Ala.
by W. N. Holcombe

D. L.

STATE OF ALABAMA }
BALDWIN COUNTY }

IN THE JUSTICE COURT OF

Howard Smith Justice of the Peace

Before me, _____

Howard Smith

in and for said County, personally appeared _____

Ruth Morrow

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 _____

June 9-1944

that one _____

Howard Smith

did forcibly remove Ruth Morrow

_____ against the peace and dignity of the State of Alabama _____

Sworn to and subscribed before me this _____

10

day of _____

June

A. D. 194

4

_____, J. P.

Howard Smith

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest _____

Howard Smith

and bring _____

before _____

me

to answer the State of Alabama on a charge _____

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

Witness my hand this _____

10

day of _____

June

, 194

4

Howard Smith

_____, J. P.

No. 2792 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Justice Court of

Howard Smith

AFFIDAVIT

The State of Alabama

vs.

Ex H. State
Howard Smith

WITNESSES FOR THE STATE:

Wm. W. Doe
David Doe
Miss Elizabeth Watson
R. S. Doe

301 St. Francis St
Mobile Ala.
Address for all the Boys.
H. C. Blake

June 17 1945

JUSTICE COURT OF

BALDWIN COUNTY

Warrant of Arrest

The State of Alabama
vs.

Howard Smith

Executed this 26 day of June 1945

By arresting the within
named Defendant

Howard Smith

and placing him

W. H. Colombed
H. C. Blake
W. C. Hall
Sheriff
Deputy Sheriff

Received
Return
July 14 1945
July 16 1945
County of Baldwin Sheriff

Rec. from mobile 7-1-45
m.s.

The State of Alabama, } No. _____ Circuit Court. July Term, 1947
 Baldwin County }

TO THE SHERIFF OF SAID COUNTY:

You are hereby commanded to summon the following named persons, to appear and serve as Jurors on the
 28th day of July 1947, at 10 o'clock, A. M., at the Court House of said
 County, they having been drawn by the Judge of said Court to serve as Jurors at said Term of said Court.

NO.	NAME	OCCUPATION	Residence Address	Business Address
1	W. H. SWIFT	SEAFOOD DEALER	BON SECOUR	FOLEY ROUTE
2	SILAS D. POWERS	FARMER	BON SECOUR	FOLEY ROUTE
3	RAYMOND NELSON	FARMER	R. F. D FAIRHOPE	R. F. D. FAIRHOPE
4	AXIL JOHNSON	CONTRACTOR	FAIRHOPE	FAIRHOPE
5	HOWARD L. CUPP	CLERK	ROBERTSDALE	ROBERTSDALE
6	HERBERT W. HINOTE	BUTCHER	ROSLINTON	ROSLINTON
7	RAYMOND ANDERSON	FARMER	SUMMERDALE	SUMMERDALE
8	JAMES D. MORRIS	FARMER	GATESWOOD	GATESWOOD
9	RODGER BARNHILL	FARMER	LOXLEY	LOXLEY
10	FRED C. GRIFFIN JR.	WHOLESALE BUS.	LOXLEY	LOXLEY
11	FRED C. GRIFFIN	GARAGE OWNER	LOXLEY	LOXLEY
12	FRANK J. MANCI JR.	FARMER	DAPHNE	DAPHNE
13	DEWEY SLOCUM	MERCHANT	R.F.D. FAIRHOPE	R.F.D. FAIRHOPE
14	W. H. FLETCHER	POSTAL CLERK	BAY MINETTE	BAY MINETTE
15	FRED J. SEDLOCK	FARMER	ROBERTSDALE	ROBERTSDALE
16	TURPEN BANKENSTER	RAILROAD EMP.	ROBERTSDALE	ROBERTSDALE
17	GUY E. BROOKS	FARMER	BELFOREST	BELFOREST
18	OSCAR P. GRUBBS	FARMER	ROBERTSDALE	ROBERTSDALE
19	HENRY CLAYTON HAYES	FARMER	ROBERTSDALE	ROBERTSDALE
20	ROY A. BEESLEY	PLUMBER	FOLEY	FOLEY
21	JOHN A. NORRIS	FARMER	FOLEY	FOLEY
22	PAUL W. FACKLER	MECHANIC	LOXLEY	LOXLEY
23	VIRGIL BUCK	INSTRUCTOR	ROBERTSDALE	ROBERTSDALE
24	MORTON H BRYANT	LABORER	FOLEY	FOLEY
25	FRANK AZYREK	FARMER	SILVERHILL	SILVERHILL
26	JAMES M. FILINGIM	FARMER	GATESWOOD	GATESWOOD
27	G. LESLIE GHANDLER	MERCHANT	SILVERHILL	SILVERHILL
28	GUS NASS	FARMER	ELBERTA	ELBERTA
29	GEORGE SCHAFF	FARMER	ELBERTA	ELBERTA
30	ROBERT LINDEN	SALESMAN	SILVERHILL	SILVERHILL
31	JOHN MURPHY McMILLAN	MILL MAN	STOCKTON	STOCKTON
32	WINDELL HARDY	SHOE SALESMAN	BAY MINETTE	MOBILE, ALA.
33	M. J. REEDY	POSTAL CLERK	BAY MINETTE	BAY MINETTE
34	PAUL L. CLEVERDON	FARMER	SUMMERDALE	SUMMERDALE
35	HOLLIS LEAVINS	MEAT DIST.	FAIRHOPE	FAIRHOPE
36	MILLER PATTERSON	SHIPYARD	MONTROSE	MONTROSE
37	DAN W. RHODES	FARMER	FOLEY	FOLEY
38	FRANK EUBANKS	CARPENTER	BAY MINETTE	BAY MINETTE
39	ROY E. DAWSON	LIVE STOCK DEA.	ROBERTSDALE	ROBERTSDALE
40	J. F. SYKORA	MAIL SERVICE	SILVERHILL	SILVERHILL
41	ERNEST M. HOWELL	UTILITIES	FOLEY	FOLEY
42	E. J. ANDERSON	CAFE	ROBERTSDALE	ROBERTSDALE
43	RALPH O. HAUGE	CLERK	SILVERHILL	SILVERHILL
44	W. M. RICHEBSON	CONTRACTOR	BAY MINETTE	BAY MINETTE
45	JAMES HORN	RAILROAD	BAY MINETTE	BAY MINETTE
46	MURREY BRYANT		STOCKTON	STOCKTON

NO.	NAME	OCCUPATION	Residence Address	Business Address
47	H. M. HAMBURG	CLERK	FOLEY	FOLEY
48	HARRY I. WEST <i>Griff</i>	INSURANCE	BAY MINETTE	BAY MINETTE
49	CHARLES S. FAIRCLOTH <i>H.</i>	TURPENTINE	LILLIAN	LILLIAN
50	GEORGE D. PITTMAN <i>Griff</i>	FARMER	GATESWOOD	GATESWOOD
51	JOE RYBAR <i>Rybar Griff</i>	FARMER	SILVERHILL	SILVERHILL
52	OTTO ANACKER <i>H.</i>	FISHING CAMP	DAPHNE	DAPHNE
53	RUFUS M. ROBINSON <i>Griff</i>	FARMER	BAY MINETTE	BAY MINETTE
54	J. CARLISLE McDAVID <i>G.</i>	FURNITURE	BAY MINETTE	BAY MINETTE
55	RAY REED <i>Griff</i>	LABORER	BAY MINETTE	BAY MINETTE
56	MACK MOORE <i>H.</i>	MERCHANT	MAGNOLIA SPRINGS	MAGNOLIA SPRINGS
57	WILLIAM E. COONEY <i>Griff</i>	REAL ESTATE	FOLEY	FOLEY
58	WALLACE L. GREEN <i>Griff</i>	FOREMAN NEWPORT	BAY MINETTE	BAY MINETTE
59	LEROY RUPLE <i>Griff</i>	INS. AGENT	BAY MINETTE	BAY MINETTE
60	CARL R. WOODARD <i>C.</i>	FARMER	FOLEY	FOLEY
61	ARTHUR ROBERTSON <i>Griff</i>	FARMER	BAY MINETTE	BAY MINETTE
62	CLYDE BURT <i>Griff</i>	LABORER	BAY MINETTE	BAY MINETTE
63	ROY EMMONS <i>Griff</i>	NEWPORT	BAY MINETTE	BAY MINETTE
64	ALOIS HANAK <i>Griff</i>	FARMER	SILVERHILL	SILVERHILL
65	SAM STEWART <i>Griff</i>	ELECTRICIAN	GATESWOOD	GATESWOOD
66				
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81				

and have you then and there this Venire with your execution thereon.

Witness my hand, this _____ day of _____ 194_____

Clerk
By: _____
Deputy-Clerk.

No. _____ Page _____

The State of Alabama,
Baldwin County

CIRCUIT COURT

Special
TERM, 1947
July 28, 1947

Venire For Jurors

I hereby certify that I have executed this Venire by summoning all the persons named herein to appear and serve as Jurors except _____

Sheriff

Deputy Sheriff

THE STATE
VS.

In the Circuit Court of Baldwin County,

WILLIAM HOWARD SMITH

SPECIAL Term, 1937

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 20 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 21 to No. 85, both inclusive, being the regular jurors drawn and summoned for the week of the SPECIAL Term of said Court, the said cause having been set for trial on the 29th day of July 1937, which is a day of said week of the SPECIAL Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
✓ 1	H. DUGGER <i>C</i>	FARMER	FOLEY	FOLEY
✓ 2	JACK MATTHEWS <i>7-22-47 H</i>	PARTS MANAGER	BAY MINETTE	BAY MINETTE
✓ 3	HURLEY ARD <i>7-22-47 H</i>	FARMER	ROBERTSDALE	ROBERTSDALE
✓ 4	W. J. MCKENZIE <i>7-21-47 3/B.S.</i>	FARMER	MAGNOLIA SPRINGS	SAME
✗ 5	O. W. CROSBY <i>Mobile</i>	TURPETINE	ROBERTSDALE	SAME
6	H. L. LUNSFORD <i>C</i>	FARMER	FOLEY	SAME
✗ 7	G. L. CHOLDRESS <i>dead</i>	FARMER	ROBERTSDALE	SAME
✓ 8	R. F. LONG <i>7-21-47 3/B.S.</i>	FARMER	FOLEY	SAME
✓ 9	WILLIAM C. OSBORNE <i>C</i>	LABORER	FOLEY	SAME SA
✓ 10	DAN CAMP <i>7-22-47 H</i>	FARM BUREAU EMP.	BAY MINETTE	SAME
✗ 11	HARRY HENT <i>out of state</i>	FARMER	SILVERHILL	SAME
✓ 12	WM. P. BALDWIN <i>7-21-47 3/B.S.</i>	PRODUCE AGENT	ROBERTSDALE	SAME
✗ 13	PETER SHERDA <i>out of state</i>	FARMER	SILVERHILL	SAME
✓ 14	HORACE KENNEDY <i>7-21-47 3/B.S.</i>	MERCHANT	SUMMERDALE	SAME
✓ 15	ELVIN A. FLOWERS <i>7-22-47 H</i>	FARMER	ROBERTSDALE	SAME
✓ 16	D. A. BEECH <i>7-21-47 3/B.S.</i>	FARMER	BON SECOUR	FOLEY ROUTE
✓ 17	ALBERT STAPLETON <i>7-22-47 H</i>	POSTAL CLERK	BAY MINETTE	SAME
✓ 18	HILBERT BAUER <i>7-22-47 H</i>	FARMER	SUMMERDALE	SAME
✓ 19	WALTER D. DYESS <i>7-22-47 H</i>	FARMER	ROBERTSDALE	SAME
✓ 20	JAKE W. KEHLER <i>7-22-47 H</i>	FARMER	LOXLEY	SAME
✓ 21	SILAS D. POWERS <i>7-20-47 H</i>	FARMER	BON SECOUR	SAME
✓ 22	RAYMOND NELSON <i>H</i>	FARMER	R. F. D. FAIRHOPE	SAME
✓ 23	AXIL JOHNSON <i>H</i>	CONTRACTOR	FAIRHOPE	SAME
✓ 24	HOWARD L. CUPP <i>7-23-47 H</i>	CLERK	ROBERTSDALE	SAME
✓ 25	HERBERT W. HINOTE <i>7-22-47 H</i>	BUTCHER	ROSINTON	SAME
✓ 26	RAYMOND ANDERSON	FARMER	SUMMERDALE	SAME
✓ 27	JAMES D. MORRIS	FARMER	GATESWOOD	SAME
✓ 28	RODGER BARNHILL <i>7-22-47 H</i>	FARMER	LOXLEY	SAME
✓ 29	FRED C. GRIFFIN, JR. <i>7-22-47 H</i>	WHOLESALE BUS.	LOXLEY	SAME
✓ 30	FRED C. GRIFFIN <i>7-22-47 H</i>	GARAGE OWNER	LOXLEY	SAME
✓ 31	FRANK J. MANCI, JR. <i>7-23-47</i>	FARMER	DAPHNE	SAME
✓ 32	DENEY SLOCHIM	MERCHANT	R. F. D. FAIRHOPE	SAME
✓ 33	W. H. FLETCHER <i>7-22-47 H</i>	POSTAL CLERK	BAY MINETTE	SAME
✓ 34	FRED J. SEDLOCK <i>7-23-47 H</i>	FARMER	ROBERTSDALE	SAME
✓ 35	TURPEN BANKENSTER <i>7-23-47 H</i>	RAILROAD EMP.	ROBERTSDALE	SAME
✓ 36	GUY E. BROOKS <i>7-23-47 H</i>	FARMER	BELFOREST	SAME
✓ 37	OSCAR P. GRUBBS	FARMER	ROBERTSDALE	SAME
✓ 38	HENRY CLAYTON HAYES <i>7-22-47 H</i>	FARMER	ROBERTSDALE	SAME
✓ 39	ROY A. BEESLEY <i>7-22-47 C</i>	PLUMBER	FOLEY	SAME
✓ 40	JOHN A. NORRIS	FARMER	FOLEY	SAME
✓ 41	PAUL W. FACKLER <i>7-23-47 H</i>	MECHANIC	LOXLEY	SAME
✓ 42	VIRGIL BUCK <i>7-22-47 H</i>	INSTRUCTOR	ROBERTSDALE	SAME
✓ 43	MORTON H. BRYANT	LABORER	FOLEY	SAME
✓ 44	FRANK AZREK <i>absent by food</i>	FARMER	SILVERHILL	SAME
✓ 45	JAMES M. FILLINCIM	FARMER	GATESWOOD	SAME
✓ 46	G. LESLIE CHANDLER <i>7-22-47 H</i>	MERCHANT	SILVERHILL	SAME
✓ 47	GUS NASS	FARMER	ELBERTA	SAME
✓ 48	GEORGE SCHAFF	FARMER	ELBERTA	SAME
✓ 49	ROBERT LINJEN <i>7-23-47 H</i>	SALESMAN	SILVERHILL	SAME
✓ 50	JOHN MURPHY McMILLAN	MILL MAN	STOCKTON	SAME
✓ 51	WINDELL HARDY <i>7-22-47 H</i>	SHOE SALEMAN	BAY MINETTE	SAME
✓ 52	M. J. REEDY <i>7/24/47</i>	POSTAL CLERK	BAY MINETTE	SAME

No.	NAME	Occupation	Residence Address	Business Address
✓ 53	PAUL L. CLEVERDON 7-22-47 H	FARMER	SUMMERDALE	SAME
✓ 54	HOLLIS LEAVINS	MEAT DIST.	FAIRHOPE	SAME
✓ 55	MILLER PATTERSON	SHIPYARD	MONROSE	SAME
✓ 56	DAN W. RHODES	FARMER	FOLEY	SAME
✓ 57	FRANK EUBANKS 7-24-47 P	CARPENTER	BAY MINETTE	SAME
✓ 58	ROY E. DAWSON 7-22-47 P	LIVE STOCK DEAL.	ROBERTSDALE	SAME
✓ 59	ROY E. SYKORA	MAIL SERVICE	SILVERHILL	SAME
✓ 60	ERNEST M. HONELL 7-24-47 C	UTILITIES	FOLEY	SAME
✓ 61	E. J. ANDERSON	CAFE	ROBERTSDALE	SAME
✓ 62	RALPH O. HAUGE 7-22-47 H	CLERK	SILVERHILL	SAME
✓ 63	W. M. RICHMOND 7-24-47 P	CONTRACTOR	BAY MINETTE	SAME
✓ 64	JAMES HORN	RAILROAD	BAY MINETTE	SAME
✓ 65	MURRAY BRYANT	STOCKTON	STOCKTON	
✓ 66	H. M. HANBERG 7-24-47 C	CLERK	FOLEY	SAME
✓ 67	HARRY I. WEST	INSURANCE	BAY MINETTE	SAME
✓ 68	CHARLES S. FAIRCLOTH	TURPETINE	LILLIAN	SAME
✓ 69	GEORGE D. PITTMAN	FARMER	GATESWOOD	SAME
✓ 70	JOE RYBAR 7-22-47 H	FARMER	SILVERHILL	SAME
✓ 71	OTTO ANACKER 7-23-47 H	FISHING CAMP	DAWNE	SAME
✓ 72	RUFUS M. ROBINSON 7-24-47 P	FARMER	BAY MINETTE	SAME
✓ 73	J. CARLISLE McDAVID 7-24-47 P	FURNITURE	BAY MINETTE	SAME
✓ 74	RAY REED 7-24-47 P	LABORER	BAY MINETTE	SAME
✓ 75	WACK MOORE	MERCHANT	MAGNOLIA SPRINGS	SAME
✓ 76	WILLIAM E. COONEY 7-24-47 C	REAL ESTATE	FOLEY	SAME
✓ 77	WALLACE L. GREEN 7-24-47 P	FOREMAN NEWPORT	BAY MINETTE	SAME
✓ 78	LEROY RUPLE 7-24-47 P	INSURANCE	BAY MINETTE	SAME
✓ 79	CARL R. WOODARD 7-24-47 C	FARMER	FOLEY	SAME
✓ 80	ARTHUR ROBERTSON	FARMER	BAY MINETTE	SAME
✓ 81	CLYDE BURT	LABORER	BAY MINETTE	SAME
✓ 82	ROY EMMONS 7/24/47 P	NEWPORT	BAY MINETTE	SAME
✓ 83	ALOIS HANAK	FARMER	SILVERHILL	SAME
✓ 84	F. H. SMITH	SHAGWOOD DEALER	BAY MINETTE	SAME
✓ 85				

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

William Howard Smith charged with
Rape

No. 1 to No. 20, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. 21 to No. 85, both inclusive, is a correct list of the regular jurors drawn and summoned for the _____ week of the July Special Term, 1947 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 the indictment in this case.

Witness my hand this 16 day of July, 1947 *Layton Wilkins*
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 16 day of July, 1947, upon William Howard Smith the Defendant *Layton Wilkins* Sheriff.

895

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.

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

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	<i>Rape</i>
No. <i>922</i>	Vs.	
	<i>William Howard Smith</i>	

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to	Judge's Fees	
Returnable	Warrant at 50c, Affidavit at 25c.....	75
Witness—for State <i>Mrs. R. E. Bay, Dump Bay,</i>	Bond at 50c, Sci Fa at 50c.....	
<i>Mrs. Elizabeth Watson, Mr. R. E. Bay,</i>	Witnesses' Recognizances at 25c.....	1.00
<i>301 St. Francis St., Mobile, Ala.</i>	Subpoena or notice at 25c	
<i>William Howard Smith</i>	Continuance at 25c.....	
<i>placed under a \$500.00 bond by</i>	Trial of Misdemeanor at \$1.00.....	1.00
<i>sheriff Taylor Wilkins.</i>	Mittimus at 25c.....	25
<i>C. W. Hamilton</i>	Judgment on Forfeited Bond at 25c.....	
	Taking Bond, etc, on Appeal at \$1.00.....	
	Execution of costs at 25c.....	3.00
	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.....	
	Committing \$1.00, Releasing \$1.00.....	
	Subpoenas at 25c Day's Board at 30c	5.00
	Witness Fees	
	Days at 50c.....	
	" " 50c.....	
	" " 50c.....	
	" " 50c.....	
	" " 50c.....	
	" " 50c.....	
	" " 50c.....	
	" " 50c.....	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c.....	
	Subpoenas at 25c.....	
	Executing Subpoenas.....	15.00

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