

937

THE STATE OF ALABAMA,

Baldwin County.

Circuit Court, Fall Session Term, 1947

The Grand Jury of said County charge that before finding this indictment Theresa Howard, whose name is to the Grand Jury otherwise unknown, unlawfully and with malice aforethought, did assault Booker Tate, with the intent to murder him,

[Faint, mostly illegible text, possibly bleed-through 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.

RECORDED

RECORDED

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

Fall Session Term 1947

THE STATE

Vs.

Theresa Howard

INDICTMENT

Assault to Murder
No Prosecutor.

WITNESSES:

Booker Tate

H. F. Hall

Barns Dale

Henry Dale

GRAND JURY NO. 30

A TRUE BILL

Frank Carl

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 5th day of

Nov, 1947

Alvin Luck, Clerk.

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

the presence of 17 other Grand Jurors.

Alvin Luck
Clerk.

Bail fixed \$500.00

James R. [Signature]
Judge.



THE STATE OF ALABAMA, {
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Theresa Howard

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

Assault to Murder

you are, therefore, commanded forthwith to arrest the said Defendant and commit her

to jail, unless she give bail to answer said indictment, and that you return this Writ according to law.

Dated this 5th day of Nov 1947

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

THE STATE OF ALABAMA, {
Baldwin County.

We, _____, as principal and

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

Dollars, unless the said _____ appears

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

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

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

RECORDED

CAPIAS

No. 30

THE STATE
vs.

Theresa Howard

Executed this 12 day of Nov 1947

By arresting the within
named Defendant

Bail Fixed in This Case in Open Court at

\$ 500⁰⁰

By Joe B. Pelham Jr.
Judge Presiding.

Attest: Alice J. Smith
Clerk.

and placing him Continuing

Present Bond

Taylor Wickins Sheriff.

Zellie B. Griffin Deputy Sheriff.

THE STATE OF ALABAMA,

Baldwin County

We, Theresa Howard, as

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

Eight hundred DOLLARS

unless the said Theresa Howard appear at the

Next 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

Assault to Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

Theresa A Howard (SEAL)

_____ day of _____, 194

J. D. Pinner (SEAL)

Mrs. J. D. Pinner (SEAL)

_____, Baldwin County, Ala.

Mae Belle Donald (SEAL)

Taken and approved this the

6 day of Sept, 1947

Jaylor Wilkins, Sheriff

By _____, Deputy Sheriff

AFFIDAVIT

STATE OF ALABAMA
BALDWIN COUNTY

In the Justice Court of FRANK P. PROPST

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

in and for said County, personally appeared, H. F. Hall who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said
County, on or about June 10-1947 that one Theresa Howard

unlawfully and with Malice aforethought
did assault Booker Tate with the intent
to murder him.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 10

day of June A. D., 1947

H F Hall

J. P.

WARRANT

THE STATE OF ALABAMA
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Theresa Howard

and bring her

before me to answer the State of Alabama on a charge

Assault to murder

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

Witness my hand this 10 day of June, 1947

J. P.

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF
FRANK P. PROPST
NOTARY PUBLIC, Ex-Officio
JUSTICE OF THE PEACE

AFFIDAVIT

THE STATE OF ALABAMA
vs.

Theresa Howard

WITNESSES FOR THE STATE:

Burker Tate

JUSTICE COURT OF
BALDWIN COUNTY
WARRANT OF ARREST

The State of Alabama
vs.

Theresa Howard

Executed this 10 day of June, 1947

By arresting the within

named Defendant

and placing him

in jail

Taylor Wiekmi, Sheriff

H. J. Hall, Deputy Sheriff

AFFIDAVIT

STATE OF ALABAMA,
BALDWIN COUNTY

In the Justice Court of C. W. HAMILTON
C. W. HAMILTON, Justice of the Peace

Before me, _____
in and for said County, personally appeared A G Hall who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County, on
or about June 10 - 1947 that one Theresa Howard

unlawfully and with Malice
prethought did assault & broke into with the
intent to murder him

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

Sworn to and subscribed before me this 10

day of June A. D. 1947

C W Hamilton J. P.

177 Hall

WARRANT

THE STATE OF ALABAMA,
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Theresa Howard
and bring her

before me to answer the State of Alabama on a charge

assault to murder

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

Witness my hand this 10 day of June, 1947

C W Hamilton J. P.

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF

C. W. Hamilton

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Theresa Howard

WITNESSES FOR THE STATE:

Booker Tate

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

The State of Alabama
vs.

Theresa Howard

Executed this 10 day of June, 1947

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins, Sheriff

H. F. Hall, Deputy Sheriff

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937

Term. _____ Dec. 18, 1938

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon BOOKER TATE, BAMA DALE, HENRY DALE

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 7th day of DECEMBER, 1938, 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 THERESA HOWARD

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

Witness my hand this 15th day of NOV., A. D., 1938. miss. R. S. DUCK, Clerk.

Little River ✓
or
Mobile

Received in office 11.21, 19348

Executed this 12-1, 19348

By Swearing

Bama Dale

Henry Dall

Robbie T. Tate 12-3
48

ORIGINAL

For _____

No. 937 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

THERESA HOWARD

STATE SUBPOENA

Issued this 15th day of

Nov, 1948.

Layla Wilburn
H. F. Hall Sheriff.

Keith J. Leuch
Clerk.

P. 5.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937

Term, Spring 1948

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

Baker Tate,
Barnes Wale
Henry Wale

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 26th day of April, 1948 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 Theresa Howard

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

Witness my hand this 23rd day of April A. D., 1948

Reid
R. S. DUCK, Clerk.

Received in office 4-23, 1938

Executed this 4-23, 1938

By Seizing

Bama Dale

Henry Dale

410 Wainber Ave ✓

Wolke Eginson Plant. ORIGINAL

For _____

No. 937 Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

Circuit Court

THE STATE

Vs.

Theresa Howard

STATE SUBPOENA

Issued this 23rd day of

April, 1938

W. J. ... Clerk.

Taylor Weepins
Zollie B. Griffin Sheriff.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937 Term, Spring, 19348

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon BOOKER TATE, H. F. HALL, BAMA
DALE, HENRY DALE

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 26th day of APRIL, 19348, 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 THERESA HOWARD

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

Witness my hand this 20 day of April A. D., 19348.

ALICE J.
EXX. DUCK, Clerk.

✓

50

Received in office 4-20, 19348

Executed this 4-23, 19348

By Perung

Bama Dale

Henry Dale

147 Hall

Booker Tate

ORIGINAL

For _____

No. 937 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

THERESA HOWARD

STATE SUBPOENA

Issued this 20th day of

April, 19348

Taylor Wilkins
Zellie B. Griffin Sheriff.

Clerk.

THE STATE OF ALABAMA

Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937 Term. Fall, 1947

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon _____

Booker Tate

Prima Dale

Henry Dale

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 1st day of Dec, 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 DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and

Theresa Howard

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 17 day of Nov A. D., 1947

R. S. Duck
R. S. DUCK, Clerk.

BA
BALDWIN
COUNTY

Received in office 11-17, 1937

Executed this 11-25, 1937

By -serving copy on
Bama Dale
Henry Dale

ORIGINAL

For _____

No. 937 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

Theresa Howard

STATE SUBPOENA

Issued this 17 day of

Nov, 1937

Taylor Malbin
117 Wall Sheriff.

Miss J. Duck
Clerk.

Ⓟ 5.

THE STATE OF ALABAMA, }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937 Term, Dec. 1948

To Any Sheriff of the State of Alabama :

You are Hereby Comanded to Summon BOOKER TATE, H. F. HALL, BAMA DALE,

HENRY DALE

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 1st day of DECEMBER 1948, 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 THERESA HOWARD

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

Witness my hand this 15 day of Nov. A.D., 1948.

Thos. R. S. DUCK, Clerk.

Received in office 11-21 19348

Executed this Dec. 1 1948

By Perming

Barna Dale

Henry Dale

H. F. Hall

Booher Tate 12-3-48

Taylor Wilkins
Sheriff.
H. F. Hall

P.S.

Little River ✓

ORIGINAL

For _____

No. 987 Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT

THE STATE
vs.

THERESA HOWARD

STATE SUBPOENA

Issued this 15th day of

NOV. 1948

Clerk.

THE STATE OF ALABAMA, }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937 Term, Fall 1947

To Any Sheriff of the State of Alabama :

You are Hereby Commanded to Summon Booker Tate

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 1st day of Dec. 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 _____

Theresa Howard

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 13th day of Nov A.D., 1947.

Alicia L.
R. S. DUCK, Clerk.

343

Received in office 11/26/47 193

Executed this 11/28/47 193

By W. H. K. K. K. Shuff

Bosser Tate

ORIGINAL

For _____

No. 937 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

THE STATE

vs.

Theresa Howard

STATE SUBPOENA

Issued this 13 day of

Nov 1947

Alice J. Wuck
Clerk.

W. H. K. K. Shuff
Sheriff.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 937 Term, Fall, 1947

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Booker Tate

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 1st day of March, 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 DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and Theresa Howard Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 17 day of Nov A. D., 1947 Alice J.
R. S. DUCK, Clerk.

FILED
EXHIBIT
RECORDED

Received in office 11/26/47, 1937

Executed this 11/28/47, 1937

By W. H. St. James Sheriff

Booked into

ORIGINAL

For _____

No. 937 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

Theresa Howard

STATE SUBPOENA

Issued this 27th day of

Nov., 1937.

Alice J. Quick Clerk.

W. H. St. James
W. H. St. James Sheriff.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 937

Term Fall, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

~~Brother Tate~~, H. F. Hall,

Barna Dale, Henry Dale

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 13th day of Dec, 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

Theresa Howard

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this

13

day of

Nov

A. D. 1947

David

DUCK, Clerk.

Received in office 11-14, 1947

Executed this 11-23, 1947

By -serving copy on

Bama Dale

Henry Dale

H. Z. Hall

ORIGINAL

For _____

No. 937 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

Theresa Howard

STATE SUBPOENA

Issued this 13th day of

November, 1947

Alice J. Deek

Clerk.

Jaylor Wilkins
H. Z. Hall Sheriff

THE STATE OF ALABAMA,
Baldwin County }

No. 30

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

Mr. Booker Tate
Mr. H. F. Hall

to be and appear on the 4th day of Nov, 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 13th day of Oct A. D., 1947

Alice J. Welch Clerk.

Mobile

ORIGINAL

176

No. *30*

GRAND JURY SUBPOENA

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

Booker Tate

J. F. Hair

this *24th* day of *Oct*, 194*7*

W. W. [Signature], Sheriff

[Signature]

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

ATTORNEYS	CASE	CHARGE
No.	<p>THE STATE OF ALABAMA</p> <p>vs.</p> <p><i>Theresa Forward</i></p>	<p><i>Assault to Murder</i></p>
	DISPOSITION OF CASE	FEES
	<p>Affidavit made and Warrant issued to <i>H.F. Hall</i></p> <p>Returnable</p> <p>Witness—for State <i>Booker Tate</i></p> <p><i>Personally appeared the defendant and waived trial in Justice of the Peace Court and asked hearing of Grand Jury of the Fall Term of the Circuit Court of Baldwin County, Ala.</i></p> <p><i>Bond was set at (\$1500.00)</i></p> <p><i>fifteen hundred dollars and no 100</i></p> <p><i>Frank P. Pappat</i> Justice of the Peace Precinct 4 Bay Minette Ala.</p>	<p>JUDGE'S FEES</p> <p>Warrant at 50c Affidavit at 25c 75</p> <p>Bond at 50c Sci Fa at 50c 25</p> <p>Witnesses' Recognizances at 25c 25</p> <p>Subpoena or notice at 25c 25</p> <p>Continuance at 25c 25</p> <p>Trial of Misdemeanor at \$1.00 1 00</p> <p>Mittimus at 25c 25</p> <p>Judgment on Forfeited Bond at 50c 50</p> <p>Taking Bond, etc. on Appeal at \$1.00 1 00</p> <p>Execution for Costs at 25c 25</p> <p>CONSTABLE'S FEES</p> <p>Subpoena or Notice at 25c 25</p> <p>Carrying defendant before Justice, each mile for himself & guard at 10c 75</p> <p>Arrest 50c 50</p> <p>SHERIFF'S FEES</p> <p>Arrest \$2.00 Bond \$1.00 Sci Fa 50c 4 00</p> <p>Committing \$1.00 Releasing \$1 00 2 40</p> <p>Subpoenas at 25c Days's Board at 30c 25</p> <p>WITNESSES FEES</p> <p>Days at 50c 1 00</p> <p>..... 50c 7 25</p> <p>..... 50c 50c</p> <p>..... 50c 50c</p> <p>..... 50c 50c</p> <p>..... 50c 50c</p> <p>..... 50c 50c</p> <p>DEFENDANT'S COSTS</p> <p>Witnesses' Recognizance at 25c 25</p> <p>Subpoenas at 25c 25</p> <p>Executing Subpoenas 1 00</p>

Circuit Court of Baldwin County

932

STATE VS. Theresa Howard

CLERK'S FEES	AT	AMOUNT	SHERIFF'S FEES	AT	AMOUNT
Taking Affidavits	50		Arrest	2.00	4 00
Issuing Capias	50	50	Bond	1.00	1 00
Docketing	1 00	1 00	Guarding Prisoner	2.00	2 00
State Subpoenas	25	4 00	Serving Subpoenas50	8 00
..... Recognizance	50		Summoning Jury in Capital Case		
..... Continuance by Defendant	25	1 00	Seizure	3.00	
Et. Forfeiture vs. Defendant.....	50		Mileage..... Miles at 10c.....		1 0
Trial	1 00	1 00	Fees in County Court.....		
Judgment	25	50	Total Sheriff's Fees.....		15 10
Sentence	25	25	RECAPITULATION		
Order of Removal and			Clerk's Fees		11 50
Indictments	1 00		Sheriff's Fees		15 10
Issuing..... Execution	50		Fine		15 00
Issuing..... Scire Facias	50		Solicitor's Fee		
Transcript and Cert..... Folios.....	15		County Court Tax		
Final Record..... Folios.....	15	3 00	Justice of Peace Fees		2 75 2 AP.
Record for Supreme Court.....	15		Constable's Fees		2 25
Certifying same	25		Witness Fees in Circuit Court.....		26 85
Rec. Indict. at 15c per 100 words		25	Witness Fees in County Court.....		
County Court Costs.....			Removal Bill		
			Stenographer	5.00	
			Board..... Days at		
			Trial Tax	3.00	3 00
Total Clerk's Fees.....		11 50	Total Costs and Fines.....		81 45

WITNESSES:	AMOUNT
Grand Jury Term 194	
STATE WITNESSES	
Before Court of Conviction	
Term, 194	

fine 25.00
106.45

937

BILL OF COST

No. _____

STATE

VS.

Amount, \$ _____

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