List of Jurors and Copy of Indictment. (1056) Moore Ptg. Co.

**THE STATE**
**VS.**
CLARENCE MORRIS

**In the Circuit Court of Baldwin County,**

_____ Term, 193____

Venire of the jurors in the above stated cause, names herein stated from No. 72 to No. 72 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. 71, both inclusive, being the regular jurors drawn and summoned for the Second week of the Fall Term of said Court, the said cause having been set for trial on the 7th day of December 1948, which is a day of said 2nd week of the Fall Term of said Court, to-wit:

| No. | NAME | Occupation | Residence Address | Business Address |
|---|---|---|---|---|
| 1 | CARL LENZ | MECHANIC | ELBERTA | |
| 2 | BROOKS BUSH SR. | SCHOOL BUS DRIVER | CROSSROADS | |
| 3 | ARCHIE MCMILLAN | LOGING | STOCKTON | |
| 4 | HERMON HUXFORD HURLEY | MECHANIC | DAPHNE | |
| 5 | GROVER WOODARD | RAILROAD | BAY MINETTE | |
| 6 | HAROLD STUART | PRESSER | BAY MINETTE | |
| 7 | R. HAROLD AGEE | MERCHANT | FOLEY | |
| 8 | GEORGE A. LYRENE | FARMER | SILVERHILL | |
| 9 | J. C. WYNN | FARMER | SUMMERDALE | |
| 10 | GUST RIEMER | FARMER | ELBERTA | |
| 11 | GEORGE K. PAGE | CLERK | ROBERTSDALE | |
| 12 | E. N. STANTON | FARMER | ROBERTSDALE | |
| 13 | BARNETT B. LARRIMORE | MERCHANT | ROBERTSDALE | |
| 14 | NORMAN MCENNIS | SUPT. MILL CO. | STOCKTON | |
| 15 | WILTON A. RACINE | CLERK | ROBERTSDALE | |
| 16 | JACK JONES | MERCHANT | BAY MINETTE | |
| 17 | JAMES T. BRADLEY | MERCHANT | BAY MINETTE | |
| 18 | JOHN SCHENK | FARMER | ELBERTA | |
| 19 | JOE WHITE | FARMER | LOXLEY | |
| 20 | JULIUS P. ULRICH | LABORER | ELBERTA | |
| 21 | JOHN E. LINDBERG | FARMER | SUMMERDALE | |
| 22 | JAMES WELSH | LABORER | FOLEY | |
| 23 | HAROLD BOONE | SALESMAN | LOXLEY | |
| 24 | ADOLPH WIGSTROM | FARMER | SILVERHILL | |
| 25 | ROBERT GREEN | SHIPYARD | FAIRHOPE | |
| 26 | JAMES C. GRAHAM | RETIRED | MAGNOLIA SPRINGS | |
| 27 | AXEL BURDQUIST | INSURANCE SALESMAN | SILVERHILL | |
| 28 | ARTHUR SIRMON | FARMER | BELFOREST | |
| 29 | MALVERN IRWIN | FARMER | GATESWOOD | |
| 30 | GILBERT COOPER | FARMER | ROSINTON | |
| 31 | TED W. COOPER | FARMER | ROSINTON | |
| 32 | JOSEPH R. KROB. | FARMER | SILVERHILL | |
| 33 | CHARLES J. EBERT | REAL ESTATE | FOLEY | |
| 34 | ALTON B. HANKINS | FARMER | ROSINTON | |
| 35 | HERBERT H. MCLAIN | ELECTRICIAN | ROBERTSDALE | |
| 36 | FLOYD BOONE | FARMER | GATESWOOD | |
| 37 | J. C. MORRIS | FARMER | GATESWOOD | |
| 38 | LEONARD E. GROVER | FARMER | DAPHNE | |
| 39 | HENRY E. YENNE | FARMER | PT. CLEAR | |
| 40 | RALPH GANTT | FARMER | LITTLE RIVER | |
| 41 | Y. A. COX JR. | STORE WORK | STOCKTON | |
| 42 | EDWARD HADLEY | SCHOOL BUS | ELBERTA RT. | |
| 43 | HOHN BLOCHT | FARMER | ELBERTA | |
| 44 | BRUCE WILLIS | FORESTER | MILLIN | |
| 45 | E. H. GOODEN | POSTAL CLERK | FAIRHOPE | |
| 46 | MARVIN BERGLIN | CREAMERY | FAIRHOPE | |
| 47 | OTTO BROWN | EXPERIMENT FARM OP. | FAIRHOPE | |
| 48 | HANNIS HEAD | SHIP YARD | STAPLETON | |
| 49 | LESLIE DRAN | SHIP YARD | STAPLETON | |
| 50 | JACK ROBERTSON | FARMER | BAY MINETTE | |
| 51 | J. ARTHUR BRYARS | FARMER | STOCKTON | |
| 52 | GRADY FAIRCLOTH | MERCHANT | MAGNOLIA SPRINGS | |

| 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. Clarence Morris charged with Robbery; that the names of jurors from No 72 to No. 22, 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. 21, both inclusive, is a correct list of the regular jurors drawn and summoned for the Second week of the Fall Term, 1948, 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 8th day of Nov 1948

Taylor Elkins
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 8th day of Nov, 1948, upon Clarence Morris the Defendant

Taylor Elkins Sheriff.

originals

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.
Clarence Morris

List of Jurors and Copy of Indictment.

Moore Ptg. Co.

**THE STATE**
VS.
Neil McDuffie

**In the Circuit Court of Baldwin County,**

Fall Session Term, 1938

Venire of the jurors in the above stated cause, names herein stated from No. 72 to No. 72 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. 71, both inclusive, being the regular jurors drawn and summoned for the Second week of the Fall Session ~~Term~~ of said Court, the said cause having been set for trial on the 6th day of December 1938, which is a day of said Second week of the Fall session ~~Term~~ of said Court, to-wit:

| No. | NAME | Occupation | Residence Address | Business Address |
|---|---|---|---|---|
| 1 | CARL LOPEZ | MECHANIC | ELBERTA | |
| 2 | BROOKS BEST SR. | SCHOOL BUS DRIVER | CROSSROADS | |
| 3 | [illegible] MCMILLAN | LOGGING | STOCKTON | |
| 4 | [illegible] | MECHANIC | DAPHNE | |
| 5 | [illegible] | FARMER | BAY MINETTE | |
| 6 | [illegible] STEARNS | FARMER | BAY MINETTE | |
| 7 | [illegible] | MERCHANT | FOLEY | |
| 8 | [illegible] | FARMER | SILVERHILL | |
| 9 | J. C. [illegible] | FARMER | [illegible] | |
| 10 | [illegible] | FARMER | [illegible] | |
| 11 | [illegible] | CLERK | ROBERTSDALE | |
| 12 | [illegible] | FARMER | ROBERTSDALE | |
| 13 | [illegible] | MERCHANT | ROBERTSDALE | |
| 14 | [illegible] | [illegible] CO. | STOCKTON | |
| 15 | [illegible] | CLERK | ROBERTSDALE | |
| 16 | JACK JONES | MERCHANT | BAY MINETTE | |
| 17 | [illegible] | MERCHANT | BAY MINETTE | |
| 18 | [illegible] | FARMER | [illegible] | |
| 19 | [illegible] | FARMER | LOXLEY | |
| 20 | [illegible] | [illegible] | [illegible] | |
| 21 | [illegible] | FARMER | [illegible] | |
| 22 | [illegible] | LABORER | FOLEY | |
| 23 | HAROLD MOORE | SALESMAN | LOXLEY | |
| 24 | [illegible] | FARMER | SILVERHILL | |
| 25 | ROBERT GREEN | SHIPYARD | FAIRHOPE | |
| 26 | JAMES C. GRAHAM | RETIRED | MAGNOLIA SPRINGS | |
| 27 | [illegible] | INSURANCE SALESMAN | SILVERHILL | |
| 28 | [illegible] | FARMER | DOLIFORNIA | |
| 29 | [illegible] | FARMER | GATEWOOD | |
| 30 | GILBERT GOODE | FARMER | ROSEBUD | |
| 31 | [illegible] | FARMER | ROSEBUD | |
| 32 | JOSEPH S. WOOD | FARMER | SILVERHILL | |
| 33 | CHARLES J. [illegible] | REAL ESTATE | FOLEY | |
| 34 | ALTON B. WARREN | FARMER | ROSEBUD | |
| 35 | HERBERT E. MCLAIN | ELECTRICIAN | ROBERTSDALE | |
| 36 | FLOYD MOORE | FARMER | GATEWOOD | |
| 37 | J. C. MORRIS | FARMER | GATEWOOD | |
| 38 | LEONARD E. GRIFFIN | FARMER | DAPHNE | |
| 39 | HENRY E. TUCKER | FARMER | FT. GIBAR | |
| 40 | RALPH GARTS | FARMER | LITTLE RIVER | |
| 41 | T. A. COX JR. | STORE MGRT | STOCKTON | |
| 42 | EDWARD BATLEY | SCHOOL BUS | [illegible] JR. | |
| 43 | [illegible] | FARMER | [illegible] | |
| 44 | [illegible] | [illegible] | [illegible] | |
| 45 | [illegible] | [illegible] | FAIRHOPE | |
| 46 | [illegible] | [illegible] | FAIRHOPE | |
| 47 | OTTO [illegible] | [illegible] | FAIRHOPE | |
| 48 | [illegible] | SHIP YARD | STAPLETON | |
| 49 | LESLIE DEAN | SHIP YARD | STAPLETON | |
| 50 | [illegible] | FARMER | BAY MINETTE | |
| 51 | [illegible] | FARMER | STOCKTON | |
| 52 | [illegible] | MERCHANT | MAGNOLIA SPRINGS | |

| No. | NAME | Occupation | Residence Address | Business Address |
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| 53 | [illegible] | [illegible] | [illegible] | |
| 54 | [illegible] | [illegible] | [illegible] | |
| 55 | J. R. [illegible] | [illegible] | [illegible] | |
| 56 | [illegible] | [illegible] | [illegible] | |
| 57 | JA X [illegible] | [illegible] | [illegible] | |
| 58 | [illegible] | [illegible] | [illegible] | |
| 59 | [illegible] | [illegible] | [illegible] | |
| 60 | [illegible] | [illegible] | [illegible] | |
| 61 | [illegible] | [illegible] | [illegible] | |
| 62 | [illegible] | [illegible] | [illegible] | |
| 63 | [illegible] | [illegible] | [illegible] | |
| 64 | [illegible] | [illegible] | [illegible] | |
| 65 | [illegible] | [illegible] | [illegible] | |
| 66 | [illegible] | [illegible] | [illegible] | |
| 67 | [illegible] | [illegible] | [illegible] | |
| 68 | [illegible] | [illegible] | [illegible] | |
| 69 | [illegible] | [illegible] | [illegible] | |
| 70 | J. [illegible] | [illegible] | [illegible] | |
| 71 | [illegible] | [illegible] | [illegible] | |
| 72 | Morgan A Lovell | Dairyman | Loxley | |
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. Neie Mc Duffie charged with Murder; that the names of jurors from No 72 to No. 72, 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. 71, both inclusive, is a correct list of the regular jurors drawn and summoned for the Second week of the Fall Term, 1948, 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 8 day of Nov 1948

Taylor 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 8th day of Nov, 1948, upon Neil McDuffie the Defendant

Taylor Wilkins Sheriff.

Original

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.
Neie McDuffie

List of Jurors and Copy of Indictment.

Moore Ptg. Co.

**THE STATE**
vs.
James C. Wingard

**In the Circuit Court of Baldwin County,**

Fall Term, 1948

Venire of the jurors in the above stated cause, names herein stated from No. 71 to No. 71 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. 70, both inclusive, being the regular jurors drawn and summoned for the Second week of the Fall Session Term of said Court, the said cause having been set for trial on the 6 day of Dec 1948, which is a day of said Second week of the Fall Term of said Court, to-wit:

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| No. | NAME | Occupation | Residence Address | Business Address |
|---|---|---|---|---|
| 53 | VIRGIL V. RHODES | FARMER | BAY MINETTE | |
| 54 | WARREN WILCOX | FARMER | ROSINTON | |
| 55 | J. R. WILSON | FARM IMPLEMEN CO & CHEVROLET CO | BAY MINETTE | |
| 56 | BLAINE DICKMAN | FARMER | BAY MINETTE | |
| 57 | JACK PAGE | CLERK | BAY MINETTE | |
| 58 | JAMES LINDSEY | REAL ESTATE | BAY MINETTE | |
| 59 | ARTHUR HARTSHORN | FARMER | FAIRHOPE | |
| 60 | CHESTER A. STAPLETON | MERCHANT | BAY MINETTE | |
| 61 | HOWARD CONVERSE | POTTER | FAIRHOPE | |
| 62 | WILLIAM A MILLER | BARBER | BAY MINETTE | |
| 63 | PIERCE HOLMES | ELECTRICIAN | STOCKTON | |
| 64 | ORRIE COGHLAN | STOCKTON | TENSAW | |
| 65 | DOCK GANEY | FARMER | TENSAW | |
| 66 | FRANCIS B. SMITH | MERCHANT | TENSAW | |
| 67 | L. K. MILES | BUS DRIVER | LITTLE RIVER | |
| 68 | EDWARD MILES | PAPER MILL | LITTLE RIVER | |
| 69 | W. M. COLLINS | FISHERMAN | FOLEY | |
| 70 | J. CLEO BOOTHE | CARPENTER | FAIRHOPE | |
| 71 | WOODROW BISHOP | FARMER | FAIRHOPE | |
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. James C. Wingard charged with 1st Degree Burglary; that the names of jurors from No 71 to No. 71, 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. 70, both inclusive, is a correct list of the regular jurors drawn and summoned for the Second week of the Fall Term, 1948, 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 24 day of Nov 1948

Taylor Walker
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 24th day of Nov, 1948, upon James C. Wingard the Defendant

Taylor Walker Sheriff.

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.
James C. Wingard

AFFIDAVIT

Moore Printing Co., Bay Minette, Ala.

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 Taylor 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 Oct 2 1948 that one Neal McDuffie unlawfully and with malice aforethought killed Edith McDuffie by shooting her with a gun or a pistol Oct 2

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 21 day of Oct, A.D.19 48

Frank P Propst, J.P.

Taylor Wilkins

WARRANT

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Neal McDuffie and bring him before me to answer the State of Alabama on a charge Murder

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

Witness my hand this 21 day of Oct 19 48

Frank P Propst, J. P.

No. 1365 Page

# THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF

FRANK P. PROPST

## AFFIDAVIT

THE STATE OF ALABAMA

vs.

Neal McDuffie

WITNESSES FOR THE STATE:

Moore Printing Co., Bay Minette, Ala.

JUSTICE COURT OF

# BALDWIN COUNTY

## WARRANT OF ARREST

## THE STATE OF ALABAMA

vs.

Neal McDuffie

Executed this 21 day of Oct, 1948

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins, Sheriff

Zollie B. Griffin, Deputy Sheriff

O. Miles

Sheriff's Account for Removal of Prisoner.

# State of Alabama, Dr.

To Taylor Wilkins

Sheriff of Baldwin County,

For removal of Neil McDuffie

from Baldwin County to ~~jail in~~ Asylum at Tuscaloosa ~~County~~

Date or dates of removal, December 14 19 48

| | | | |
|---|---|---|---|
| To Taylor Wilkins Sheriff, 1 days, at $3.00 per day, | | $ 3 | 00 |
| To H. F. Hall Gauard, 1 days, at $2.00 per day, | | 2 | 00 |
| DATE | TO WHOM PAID / FOR WHAT PAID | | |
| | Trip to Tuscaloosa and return, 446 miles at | | |
| | 5¢ per mile | 22 | 30 |
| | | 27 | 30 |

The State of Alabama, Baldwin County } I, Alice J. Duck Clerk of the Circuit Court in and for said County, do hereby certify that the case against Neil McDuffie was pending in and triable before said Circuit Court at the time he was arrested for the offense charged, and that the fees have been reported to and docketed by me this 18th day of August 1950.

Clerk.

The State of Alabama, Baldwin County } Personally appeared before me, Taylor Wilkins Sheriff of Baldwin County, who, being duly sworn, says the above account for the sum of $ 27.30 Dollars is correct; that he has never received the same or any part thereof; that he had 1 guard employed; that said account embraces, aside from per diem for self or deputy and guard, only actual necessary traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed from Baldwin County to the jail in Asylum at Tuscaloosa County.

Sheriff.

Sworn to and subscribed before me this _____ day of _____ 19____.

Judge of Probate.

Mr. _____ of _____ is hereby authorized to receipt for the Auditor's Warrant in payment of this account, and collect the same from the State Treasurer.

Sheriff.

AUDITOR'S OFFICE, Montgomery, Ala., _____ 19____

Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

INDICTMENT

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County } Circuit Court, Fall Session ~~Term~~, 194 8

The Grand Jury of said County charge that before the finding of this indictment

Neil McDuffie, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Edith McDuffie, by shooting her with a gun,

against the peace and dignity of the State of Alabama.

Solicitor of the Twenty-first Judicial Circuit.

RECORDED

No.

# The State of Alabama,

BALDWIN COUNTY

## CIRCUIT COURT

Fall Session ~~Term~~, 1948

THE STATE

vs.

Neil McDuffie

## INDICTMENT

Murder, First Degree

No Prosecutor.

WITNESSES:

Florida McDuffie

George Lambert

Mrs. Gibson

Dr. J. M. Reid

Roseland Reid

Moore Printing Co., Bay Minette, Ala.

GRAND JURY NO. 68

A TRUE BILL

W. M. McMillan

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 4th day of Nov, 1948

Doris J. Wenck Clerk

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 17 other Grand Jurors.

Doris J. Wenck

Clerk.

Bail fixed $

Judge.

SHERIFF'S APPEARANCE BOND. Moore Printing Co.

**THE STATE OF ALABAMA,**
**Baldwin County**

We, Neil McDuffie, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One Thousand DOLLARS unless the said Neil McDuffie appear at the Next Term, 19 49 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 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 _____ day of _____, 19__

_____, Baldwin County, Ala.

Neal McDuffie (Seal)
Mrs. Mattie Lou Hall (Seal)
H A Owen (Seal)
_____ (Seal)

Taken and approved this the 24 day of April, 19 49

Gaylon Wilson, Sheriff

By _____, Deputy Sheriff

CAPIAS BT-300-4-48

**THE STATE OF ALABAMA,**
**Baldwin County**

TO ANY SHERIFF OF THE STATE OF ALABAMA:
An indictment having been found against

Neil McDuffie

at the Nov Term, 194 8, of the Circuit Court of Baldwin County, for the offense of

Murder, First Degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 4th day of Nov, 194 8.

Aline J. Wenck
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. 68

THE STATE

vs.

Neil McDuffie

Bail Fixed in This Case in Open Court at

$_____

By _____
Judge Presiding.

Attest: _____
Clerk.

Executed this 4 day of Nov, 1948

By arresting the within

named Defendant

_____

_____

and placing him in jail

_____

Taylor Wilkins, Sheriff

James B. Griffin Deputy Sheriff

Sheriff's Account for Removal of Prisoner.

# State of Alabama, Dr.

To Taylor Wilkins

Sheriff of Baldwin County,

For removal of Neil McDuffie

from Tuscaloosa County to jail in Baldwin County

Date or dates of removal, April 21 19 49

| | | | |
|---|---|---|---|
| To Taylor Wilkins Sheriff, 1 days, at $3.00 per day, | | $ 3 | 00 |
| To H. F. Hall Gauard, 1 days, at $2.00 per day, | | 2. | 00 |
| DATE | TO WHOM PAID / FOR WHAT PAID | | |
| | Trip to Tuscaloosa and return, 446 miles at 5¢ per mile | 22 | 30 |
| | | 27 | 30 |

The State of Alabama, Baldwin County } I, Alice J. Duck Clerk of the Circuit Court in and for said County, do hereby certify that the case against Neil McDuffie was pending in and triable before said Circuit Court at the time he was arrested for the offense charged, and that the fees have been reported to and docketed by me this 18th day of August 19 50.

Clerk.

The State of Alabama, Baldwin County } Personally appeared before me, Taylor Wilkins Sheriff of Baldwin County, who, being duly sworn, says the above account for the sum of $ 27.30 Dollars is correct; that he has never received the same or any part thereof; that he had 1 guard employed; that said account embraces, aside from per diem for self or deputy and guard, only actual necessary traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed from Baldwin County to the jail in Asylum in Tuscaloosa County.

Sheriff.

Sworn to and subscribed before me this _____ day of _____ 19____.

Judge of Probate.

Mr. _____ of _____ is hereby authorized to receipt for the Auditor's Warrant in payment of this account, and collect the same from the State Treasurer.

Sheriff.

AUDITOR'S OFFICE, Montgomery, Ala., _____ 19____

Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

| | |
|---|---|
| STATE OF ALABAMA<br>VS.<br>NEIL McDUFFIE,<br>Defendant. | IN THE CIRCUIT COURT OF<br>BALDWIN COUNTY, ALABAMA.<br>AT LAW. |

MOTION.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes the Defendant, by his Attorney, and respectfully represents unto the Court as follows:

1. This Defendant was indicted by the Circuit Court of Baldwin County, Alabama at the Fall Term, 1948 for murder in the first degree as will appear from a copy of the indictment which is hereto attached and by reference made a part hereof as though fully incorporated herein.

2. It is suggested and made known to the Court that the Defendant was insane at the time of the commission of the crime with which he is charged and for which he has been indicted, because of which the question of the sanity of the Defendant should be settled before further proceedings are had in this case.

WHEREFORE, the Defendant moves the Court to appoint a commission of experts known as a Lunacy Commission as provided by Title 15, Section 425 of the 1940 Code of Alabama as provided by the said statute.

The Defendant further moves the Court that he be ordered delivered by the Sheriff of Baldwin County, Alabama to the acting Superintendent of the Alabama State Hospitals for examination and observation as provided by law.

Respectfully submitted,

J. B. Blackburn

Attorney for Defendant.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court, ~~Fall Session~~ Term, 194 8

The Grand Jury of said County charge that before finding this indictment

Neil McDuffie, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Edith McDuffie, by shooting her with a gun,

against the peace and dignity of the State of Alabama.

A. H. ELLIOTT
Solicitor of the Twenty-First Judicial Circuit.

No. .....

# THE STATE OF ALABAMA,

BALDWIN COUNTY

## Circuit Court

Fall Session ..... Term, 194 8

THE STATE

Vs.

Neil McDuffie

## INDICTMENT

Murder, First Degree

No Prosecutor.

WITNESSES:

Florida McDuffie
George Lambert
Mrs. Gibson
Dr. J. M. Reid
Roseland Reid

Baldwin Times Print

GRAND JURY NO. 68

A TRUE BILL

V. O. McMillan
Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 4th day of Nov., 194 8.

ALICE J. 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.

ALICE J. DUCK
Clerk.

Bail fixed $.....

Judge.

MOTION FOR APPOINTMENT
OF LUNACY COMMISSION

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed 12-6-48
Alice J. Leach
Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Order

| | |
|---|---|
| STATE OF ALABAMA<br>VS.<br>NEIL McDUFFIE,<br>Defendant. | IN THE CIRCUIT COURT OF<br>BALDWIN COUNTY, ALABAMA.<br>AT LAW. |

WHEREAS, it has been made known to me, F. W. Hare, the presiding Judge of the Circuit Court of Baldwin County, Alabama, in which Court an indictment has been returned against Neil McDuffie for murder in the first degree, a capital offense; that there is reasonable ground to believe that the said Defendant, Neil McDuffie, was insane at the time of the commission of the said offense and is presently insane and the Court being of the opinion that all questions as to the sanity of the said Defendant, should be settled before further proceedings are had in this cause, it is therefore ordered by the Court as follows:

1. Taylor D. Wilkins, as Sheriff of Baldwin County, Alabama is hereby ordered to deliver the said Defendant, Neil McDuffie to the acting Superintendent of the Alabama State Hospitals for the Insane for the purpose of observation and examination as provided by Title 15, Section 425 of the 1940 Code of Alabama.

2. The acting Superintendent of the Alabama State Hospitals and two members of his medical staff, to be named by him, shall be and they are hereby constituted a commission on lunacy to observe and examine the said Neil McDuffie with the view of determining his mental condition and the existence of any mental disease or defect which would effect his present criminal responsibility or his criminal responsibility at the time of the commission of the crime with which he has been charged and for which he has been indicted.

3. The said Defendant, Neil McDuffie, shall remain in the custody of the acting Superintendent of the Alabama State Hospitals and subject to the observation of and examination by the Lunacy Commission for such length of time as may be in the judgment

of the Lunacy Commission necessary to determine his mental condition so far as it effects his criminal responsibility.

4. The said Lunacy Commission shall, after reaching a conclusion as to the mental condition of the Defendant, Neil McDuffie, make a full written report thereof to the Clerk of the Circuit Court of Baldwin County, Alabama, which report shall be placed on file and accessible to the Court, to the Solicitor and to the Attorney for the Defendant.

5. The expense of maintaining the Defendant while so confined shall be paid in the same manner as provided by law in the case of persons adjudged to be of unsound mind in accordance with the provisions of Title 15, Section 429 of the 1940 Code of Alabama.

Done on this the 6th day of December, 1948.

F. M. Hare

Judge.

1056

ORDER COMMMITTING DEFENDANT TO INSANE HOSPITAL AND APPOINTING LUNACY COMMISSION.

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed
12-6-48
Alice J. Veach
Clerk.

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

THE BRYCE HOSPITAL
TUSCALOOSA, ALA.

THE SEARCY HOSPITAL
MT. VERNON, ALA.

THE PARTLOW STATE SCHOOL
TUSCALOOSA, ALA.

THE ALABAMA STATE HOSPITALS
AND
THE PARTLOW STATE SCHOOL
TUSCALOOSA, ALA.

OFFICE OF THE SUPERINTENDENT
W. D. PARTLOW, M. D.

April 8, 1949

Miss Alice J. Duck
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Lunacy Commission Report
Neil McDuffie

Dear Miss Duck:

I am inclosing report of the Lunacy Commission in the case of the above named man who was committed to The Bryce Hospital December 1, 1948 by Hon. F. W. Hare, Judge of the Circuit Court, Baldwin County, Alabama, and admitted in The Bryce Hospital December 14, 1948.

Yours very truly,

J. S. Tarwater

J. S. Tarwater, M. D.
Acting Superintendent

JST/rc

STATE OF ALABAMA
TUSCALOOSA COUNTY

TO: MISS ALICE J. DUCK, CLERK
CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA

Under the provisions of an Act of the Legislature of Alabama approved April 17, 1933, (Title 15, Section 425, Code of Alabama of 1940), one Neil McDuffie, indicted for murder, first degree, was admitted to The Bryce Hospital on December 14, 1948 under Order of Hon. F. W. Hare, Judge, Circuit Court of Baldwin County, Bay Minette, Alabama, for observation and report as provided in the Act referred to above.

In compliance with the provisions of the Act, The Acting Superintendent of the hospital appointed Dr. Toombs Lawrence, Acting Assistant Superintendent, and Dr. M. D. Paine, Assistant Physician, who associated with the Acting Superintendent constitute the undersigned commission. After having the said Neil McDuffie under our study and observation continually since the above date of admission, we desire to submit the following report:

It is the opinion of each of us, and our opinion jointly and collectively, that the said Neil McDuffie at the time of his admission to The Bryce Hospital on December 14, 1948 was sane and competent. After a long period of study and observation it is our further opinion that he has remained sane and competent and is at present sane and competent.

After lengthy study of his case, it is our further opinion that for a period of time prior to and at the time of the commission of the crime for which he is charged, he was insane and incompetent.

Under the provisions of the Act referred to above, we understand that with the rendering of this report our obligation and that of The Bryce Hospital has been discharged and that therefore if it is the wish of the Court that the said Neil McDuffie be detained longer in this institution as a patient, it would be necessary for this Court or some Court of Jurisdiction to issue a commitment or an Order for the further detention of the said Neil McDuffie in The Bryce Hospital.

Awaiting your further Order or that of the Court or theSheriff of Baldwin County.

Respectfully submitted,

Signed and executed this the 8th day of April, 1949 at The Bryce Hospital, Tuscaloosa, Alabama.

J. S. Tarwater M. D.
J. S. TARWATER, M. D.
ACTING SUPERINTENDENT

Toombs Lawrence M. D.
TOOMBS LAWRENCE, M. D.
ACTING ASST. SUPERINTENDENT

M. D. Paine Jr. M. D.
M. D. PAINE, M. D.
ASSISTANT PHYSICIAN

Filed 4-11-49
Eric J. Deck
Clerk

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

| ATTORNEYS | CASE | CHARGE |
|---|---|---|
| No. | THE STATE OF ALABAMA<br>Vs.<br>Neal McDuffie | Murder |

**DISPOSITION OF CASE**

Affidavit made and Warrant Issued to Taylor Wilkins

Returnable J. P. Collins (Probst)

Witness—For State Mrs. McDuffie! Mrs. George Lambert! Pete Sellers - O. H. J. Hale - Dr. McLeod Taylor Wilkins

The defendant waived preliminary hearing and was heard before 1948 Fall Term of Grand Jury

Frank P Probst J. P. Vincent 4 Bay minette

| FEES | AMOUNT |
|---|---|
| **JUDGE'S FEES** | |
| Warrant at 50c, Affidavit at 25c | 75 |
| 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 | 25 |
| Judgment on Forfeited Bond at 25c | |
| Taking Bond, etc., on Appeal at $1.00 | |
| Execution of costs at 25c | |
| **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~~ 4.00; Bond $1.00; Sci. Fa., 50c | 4.00 |
| Committing, $1.00; Releasing, $1.00 | 2.00 |
| Subpoenas at 25c Day's Board at 30c | 1.00 |
| ~~WITNESS FEES~~ Guard FEES | 10 |
| Days at 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| **DEFENDANT'S COSTS** | |
| Witnesses' Recognizance at 25c | |
| Subpoenas at 25c | |
| Executing Subpoenas | |

1056