

The State of Alabama, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Rufus Howard Harden, alias Howard Harden

at the Fall Term, 1958 of the Circuit Court of Baldwin County, for the offense of

Kidnapping

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 10 day of Sept, 1958

Archie J. Hester
Clerk Circuit Court of Baldwin County.

The State of Alabama }
Baldwin County

We, R. H. Harden, M. M. Beddow, H. W. Gwin, as principal and

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

Dollars, unless the said Rufus Howard Harden appears

at the Next 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

Kidnapping

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

Witness our hand and seal this 13th day of Sept, 1958

R. H. Harden (L. S.)

M. M. Beddow (L. S.)

H. W. Gwin (L. S.)

Frank B. Gwin (L. S.)

Taken and approved 13th day of Sept, 1958

Laylor Wilkins
Sheriff of Baldwin County

Received in Sheriff's Office
this 12 day of Sept., 1958
TAYLOR WILKINS, Sheriff

CAPIAS

No. 42

The State

vs.

Rufus Howard Harden

Bail fixed in this case in open Court at

\$ 1000.00

By H. M. Hall
Judge Presiding.

Attest: _____
Clerk.

2689

Executed this 13 day of Sept., 1958

By arresting the within

named Defendant

Rufus Howard Harden

and placing him ~~on Bond~~ In Jail

Taylor Wilkins
Sheriff

_____, Deputy Sheriff

o miles

WARRANT

2639

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest

Bernice Corley

and bring her

before

me April 5th at 1 P.M.

to answer the State of Alabama on a charge

Assault & Battery

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

Witness my hand this

21

day of

March

, 19

18

W. R. Howell

, J. P.

2433

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Bernice Corley

Executed this the 31 day of March 1958

By arresting the within

named Defendant

and placing him

In Jail

Taylor Walker, Sheriff
_____, Deputy Sheriff

Goby 72 - m

2689

STATE OF ALABAMA }

Baldwin County

Case No.

24011

No.

9372

The State of Alabama

vs.

In the

Justice Court of
Baldwin County, Alabama

Howard Harden

Before me, M. H. Llewellyn, Clerk of the Justice Court of Baldwin County, Alabama, personally appeared Taylor Wilkins, who being duly sworn deposes and says: I am the Sheriff of Baldwin County, Alabama. In the above case, in the above mentioned court, in executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies,

traveled 72 miles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest

Gale

Taylor Wilkins

Sheriff

Subscribed and sworn to before me this

1

day of

April

1958

Disposition

Clerk Circuit Court

After considering the above affidavit made by the Sheriff of Baldwin County, Alabama, I, as the trial Judge of said court, do hereby approve the claim for mileage in the sum of \$_____ incurred in the making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk of the court to tax the said sum as part of the costs in said case.

This the _____ day of _____, 1958

Judge of the above named court

2689

APPEARANCE BOND

Printed by Moore Ptg. Co.

The State of Alabama, {

Baldwin County

We, Howard Hardin, as
 principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Fifteen Hundred \$1500.00 DOLLARS
 unless the said Howard Hardin appears at the
April 5 Term, 1958 of the Justice of the Peace Court of Baldwin County, Alabama
 and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Kidnaping

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.

Taken and approved this the 1 day of April, 1958By Taylor Watkins, SheriffBy J. W. Taylor, Deputy Sheriff

Howard Hardin L. S.
Mobile Bonding Co. L. S.
Harold Payne L. S.
 _____ L. S.

3-31-58
Thilburn
Steadham

No. _____

State of Alabama
Baldwin County

_____ Court

Sheriff's Office

The State
vs.

Sheriff's Appearance Bond

Amount of Bond \$ _____

Filed _____, 19____

_____, Clerk

2689

STATE OF ALABAMA

Baldwin County

Case No. Stowell

No. 9371

The State of Alabama
vs.

In the Justice Court of
Baldwin County, Alabama

Barnett Casley

Before me, M. B. Stowell, Clerk of the Justice Court of
Baldwin County, Alabama, personally appeared Taylor Wilkins, who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the above case, in the above mentioned court, in
executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies,

traveled 72 miles by the most direct route to the point of arrest and return, and I am entitled to
mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest Idley Taylor Wilkins Sheriff

Subscribed and sworn to before me this 1 day of April, 1957

Disposition _____ Clerk Circuit Court

After considering the above affidavit made by the Sheriff of Baldwin County, Alabama, I, as the trial
Judge of said court, do hereby approve the claim for mileage in the sum of \$ _____ incurred in the
making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the
clerk of the court to tax the said sum as part of the costs in said case.

This the _____ day of _____, 195_____

Judge of the above named court

The State of Alabama,
Baldwin County.

Circuit Court, FALL Session, 19 58

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

Rufus Howard Harden, Alias Howard Harden, Bernice Corley and Arnold Barnes, whose names are to the Grand Jury otherwise unknown, unlawfully or forcibly inveigled, enticed, or confined Laura Matuk, with intent to cause the said Laura Matuk to be imprisoned against her will,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eighth Judicial Circuit.

RECORDED

No. _____

The State of Alabama

Baldwin County.

Circuit Court

FALL SESSION ~~XXXX~~ 1958

The State

vs.

RUFUS HOWARD HARDEN, alias HOWARD
HARDEN, BERNICE CORLEY and
ARNOLD BARNES.

INDICTMENT

KIDNAPPING

No. _____ Prosecutor _____

WITNESSES:

LAURA MATUK

CARLISLE CHILDRESS

TAYLOR WILKINS

2689

GRAND JURY NO. 42

A TRUE BILL,

E. S. Matthews
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 10 day of

Sept, 1958
Bernice J. French
Clerk.

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

presence of 17 other Grand Jurors.

Bernice J. French
Clerk.

Bail fixed \$ 1000⁰⁰ cash

J. H. Smith
Judge.

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County. }

In the Justice Court of M. R. HOWELL

Before me, M. R. HOWELL, Justice of the Peace

in and for said County, personally appeared _____ 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 MCH 2, 1958 that one Arnold Barnes

did assist Howard Harden, in kidnapping
Louella Mathews. She was brought from Cochran
Bridge to Canal Lounge and located in
a room against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 2

day of April, A. D., 1958

M. R. Howell, J. P.

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County. Greetings:

You are hereby commanded to arrest Arnold Barnes

and bring him
before me April 5th at 11 A.M. to answer the State of Alabama on a charge

Kidnapping

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

Witness my hand this 2nd day of April, 1958
M. R. Howell, J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County. }

To the Jailer of Baldwin County:

On complaint of _____

charging _____

with the offense of _____

it appearing that such offense has been committed, and that there is sufficient cause to believe that _____

_____ has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this _____ day of _____, 19____

Justice of the Peace.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Justice Court Of

M. R. HOWELL

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Witnesses for the State:

2689

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Arnold Barnes

Executed this the ____ day of _____ 195__

By arresting the within

named Defendant

and placing him

_____, Sheriff

_____, Deputy Sheriff

Criminal Docket No. _____

No. _____ Page _____

The State Of Alabama,
Baldwin County

JUSTICE COURT OF

M. R. HOWELL

THE STATE OF ALABAMA

vs.

Mittimus

The State of Alabama
Baldwin County

I, _____
a Justice of the Peace in and for said State
and County, do and hereby certify that _____

the Defendant; is required to give bail in the
sum of \$_____ for his appearance at the
195__ Term of the _____

Court of _____ County, Ala.

Given under my hand this the _____
day of _____ 195__

J. P.

APPEARANCE BOND

Printed by Moore Ptg. Co.

The State of Alabama,

Baldwin County

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

Two Hundred 200⁰⁰ DOLLARS

unless the said Bernice Corley appears at the

April 5 Term, 1958 of the Judge M. B. Hance 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 & Battery

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.

Taken and approved this the 1 day of April, 1958

Taylor Melvin, Sheriff

By W. D. Taylor, Deputy Sheriff

3-31-58
Stedham
Childress

No. _____

State of Alabama
Baldwin County

_____ Court

Sheriff's Office

The State
vs.

Sheriff's Appearance Bond

Amount of Bond \$ _____

Filed _____, 19____

_____, Clerk

AFFIDAVIT

2689

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County. }

In the Justice Court of M. R. HOWELL

Before me, M. R. HOWELL, Justice of the Peace

in and for said County, personally appeared, Laura Matuk 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 March 31st that one Harvey J. Harder

Did follow Laura Matuk from her home to her car
near mobile office her to get in his car and carried
her back to Carol's home and locked
her in room against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 31
day of March, A. D., 1958
M. R. Howell, J. P.

Laura Matuk

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Harvey J. Harder

and bring him
before me April 1st at 10 AM to answer the State of Alabama on a charge

Kidnapping

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

Witness my hand this 31st day of March, 1958

M. R. Howell, J. P.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Justice Court Of

M. R. HOWELL

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Witnesses for the State:

2434

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Harold A. Harlow

Executed this the 31 day of March 1958

By arresting the within

named Defendant

and placing him

In jail

Lyda Welton Sheriff

, Deputy Sheriff

File 72-94

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County.

In the Justice Court of M. R. HOWELL

Before me, M. R. HOWELL, Justice of the Peace

in and for said County, personally appeared Laura Matuk 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 March 31st that one Arnold Barnes

did take Laura Matuk from her home
at College

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 31
day of March, A. D., 1918
M. R. Howell, J. P.

Laura Matuk

WARRANT

State Of Alabama, }
Baldwin County.

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Arnold Barnes and bring him

before March 31st at 1 P.M. to answer the State of Alabama on a charge

Fraud

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

Witness my hand this 31 day of March, 1918
M. R. Howell, J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County.

To the Jailer of Baldwin County:

On complaint of _____
charging _____
with the offense of _____

it appearing that such offense has been committed, and that there is sufficient cause to believe that _____

_____ has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this _____ day of _____, 19____

Justice of the Peace.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

Justice Court Of

M. R. HOWELL

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Witnesses for the State:

2689

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA,

vs.

Arnold Barnes

Executed this _____ day of _____ 195__

By arresting the within

named Defendant

and placing him

_____, Sheriff

_____, Deputy Sheriff

Criminal Docket No. _____

No. _____ Page _____

The State of Alabama,
Baldwin County

JUSTICE COURT OF

M. R. HOWELL

THE STATE OF ALABAMA

vs.

Mittimus

The State of Alabama
Baldwin County

I, _____
a Justice of the Peace in and for said State and
County, do and hereby certify that _____

the Defendant, is required to give bail in the sum
of \$ _____ for his appearance at the
195__ Term of the _____

Court of _____ County, Ala.

Given under my hand this the _____
day of _____ 195__

J. P.

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County. }

In the Justice Court of

M. R. HOWELL

Before me, M. R. HOWELL, Justice of the Peace

in and for said County, personally appeared Laura Matuk 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 March 31st that one Bernice Carter

did assault, Laura Matuk by striking
her and slipping her and punching
her

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 31day of March, A. D., 1958M. R. Howell, J. P.Laura Matuk

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PLAINTIFF,)	BALDWIN COUNTY, ALABAMA
VS)	
RUFUS HOWARD HARDEN,)	NO. _____
DEFENDANT.)	

DEMURRERS

Now comes the defendant in the captioned cause and demurs to the indictment and to each count thereof separately and severally and for grounds of said demurrer sets down and assigns the following, separately and severally, to-wit:

1. For that it does not state an offense.
2. For that it does not state an offense against the laws and statutes of the State of Alabama.
3. For that it does not apprise the defendant as to what he is to defend.
4. For that it does not set forth sufficient facts to apprise the defendant as to what he is to defend.
5. For that the averments of said indictment are vague, indefinite and uncertain.
6. For that the same is vague, uncertain and indefinite as to person.
7. For that the same is vague, uncertain and indefinite as to place.
8. For that the same is vague, uncertain and indefinite as to time.
9. For that the averments of said indictment are narrative statements of the pleader in that it does not inform the defendant with exactness as to what he is to defend.
10. For that the averments of said count contain a misjoinder of offenses attempted to be charged thereby.
11. For that the averments of said count contain a misjoinder of parties defendant.

12. For that the averments of count two of said indictment wherein the same alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand and five hundred dollars (\$9,500.00) in lawful currency of the United States of America" fails to charge this defendant with any false representations or any false pretenses.

13. For that the allegations of said count two wherein it alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand and five hundred dollars (\$9,500.00) in lawful currency of the United States of

America" fail to state facts which constitute an offense chargeable to this defendant.

14. For that the allegations of said count constitute an attempt to charge a mere false promise of something to be done in the future and therefore the same fails to state an offense.

15. For that the allegations of said count fail to sufficiently inform this defendant of the acts which allegedly constitute an offense charged against this defendant.

16. For that the allegations of said count do not apprise this defendant of the thing or things that he is alleged to have done in such a way as that such things amount to a crime or offense.

17. For that the allegations of said count fail to set forth with sufficient certainty to apprise this defendant of same, the facts constituting the nature and the cause of the accusations against this defendant.

18. For that the allegations of said count fail to sufficiently inform this defendant of the crime with which he is charged and also fail to sufficiently inform him of the acts which allegedly constitute that crime.

19. The allegations of said count fail to conform to the requirements of Section 6 of the Constitution of the State of Alabama of 1901.

20. The allegations of said count are violative of the provisions of Section 6 of the Constitution of Alabama of 1901.

21. The allegations of said count are violative of the provisions of the 14th Amendment to the Constitution of the United States.

22. The allegations of said count fail to conform to the requirements of the 14th Amendment to the Constitution of the United States.

23. The allegations of said count fail to give this defendant notice of the specific charge against him and to afford to this defendant a chance to be heard in a trial of the issues raised by that charge.

24. The allegations of said count fail to set forth all of the elements of the offense attempted to be charged against this defendant with a sufficient degree of particularity to identify the transaction to which the indictment relates as to place, persons, things and other details.

25. For that the allegations of said count fail to state an offense against this defendant in its attempt to follow the language of the statutory offense of obtaining money by false pretense in that the same fails to accompany the language of said statute with such a statement of the facts and circumstances as will inform this defendant of the specific offenses coming under the general description of the crime with which he is charged.

26. For that the allegations of said count fail to state facts which charge that any alleged representations made by this defendant were in fact false.

27. The allegations of said complaint fail to allege facts which show that any alleged false pretense was relied upon to the detriment of any individual named in said indictment.

28. The allegations of said count do not refer the allegation of any false pretense to a particular fact or facts with such certainty to apprise this defendant of what it is alleged he falsely pretended.

29. From aught appearing from the allegations of said count any alleged false pretense fails to result in the parting with of money or anything of value by any other person.

30. From aught appearing from the allegations of said count any alleged false pretense related merely to a promise of something to be done in the future.

31. For that the allegations of said count attempt to charge the commission of more than one distinct offense by this defendant in the same count.

32. For that the allegations of said count fail to inform the defendant as to which of the acts which defendant is alleged to have committed constitute the offense for which he is being tried.

33. For that the allegations of said count attempt to allege a false promise of something to be done in the future as constituting the offense for which defendant is to be tried.

34. For that the allegations of said count fail to state with sufficient clarity which of the alleged acts of the defendant are alleged to be false or fraudulent.

35. For that the allegations of said count do not sufficiently set forth or describe sufficient facts to allege the essential elements of the offense of obtaining money under false pretenses.

36. For that said count attempts to allege a fraudulent misrepresentation without setting forth the facts which constituted fraud as a matter of law.

37. For that said count attempts to allege the offense of obtaining money by false pretenses by following the language of the statute but the said count alleges that the defendant "fraudulently pretended" rather than that he "falsely pretended".

BEDDOW, GWIN & EMBRY

Cecil Chason

BY *Francis Beddow*
Attorneys for Defendant

2689

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRERS

STATE OF ALABAMA,
PLAINTIFF,

VS

RUFUS HOWARD HARDEN,
DEFENDANT.

filed
3.7.54
A. J. [signature]

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
PLAINTIFF,)	BALDWIN COUNTY, ALABAMA
VS)	NO. _____
WILLIE MAX HARDEN,)	
DEFENDANT.)	

DEMURRERS

Now comes the defendant in the captioned cause and demurs to the indictment and to each count thereof separately and severally and for grounds of said demurrer sets down and assigns the following, separately and severally, to-wit:

1. For that it does not state an offense.
2. For that it does not state an offense against the laws and statutes of the State of Alabama.
3. For that it does not apprise the defendant as to what he is to defend.
4. For that it does not set forth sufficient facts to apprise the defendant as to what he is to defend.
5. For that the averments of said indictment are vague, indefinite and uncertain.
6. For that the same is vague, uncertain and indefinite as to person.
7. For that the same is vague, uncertain and indefinite as to place.
8. For that the same is vague, uncertain and indefinite as to time.
9. For that the averments of said indictment are narrative statements of the pleader in that it does not inform the defendant with exactness as to what he is to defend.
10. For that the averments of said count contain a misjoinder of offenses attempted to be charged thereby.
11. For that the averments of said count contain a misjoinder of

parties defendant.

12. For that the averments of count two of said indictment wherein the same alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand and five hundred dollars (\$9,500.00) in lawful currency of the United States of America" fail to charge this defendant with any false representations or ^{any} false pretenses.

13. For that the allegations of said count two wherein it alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand

and five hundred dollars (\$9, 500.00) in lawful currency of the United States of America" fail to state facts which constitute an offense chargeable to this defendant.

14. For that the allegations of said count constitute an attempt to charge a mere false promise of something to be done in the future and therefore the same fails to state an offense.

15. For that the allegations of said count fail to sufficiently inform this defendant of the acts which allegedly constitute an offense charged against this defendant.

16. For that the allegations of said count do not apprise this defendant of the thing or things that he is alleged to have done in such a way as that such things amount to a crime or offense.

17. For that the allegations of said count fail to set forth with sufficient certainty to apprise this defendant of same, the facts constituting the nature and the cause of the accusations against this defendant.

18. For that the allegations of said count fail to sufficiently inform this defendant of the crime with which he is charged and also fail to sufficiently inform him of the acts which allegedly constitute that crime.

19. The allegations of said count fail to conform to the requirements of Section 6 of the Constitution of the State of Alabama of 1901.

20. The allegations of said count are violative of the provisions of Section 6 of the Constitution of Alabama of 1901.

21. The allegations of said count are violative of the provisions of the 14th Amendment to the Constitution of the United States.

22. The allegations of said count fail to conform to the requirements of the 14th Amendment to the Constitution of the United States.

23. The allegations of said count fail to give this defendant notice of the specific charge against him and to afford to this defendant a chance to be heard in a trial of the issues raised by that charge.

24. The allegations of said count fail to set forth all of the elements of the offense attempted to be charged against this defendant with a sufficient degree of particularity to identify the transaction to which the indictment relates as to place, persons, things and other details.

25. For that the allegations of said count fail to state an offense against this defendant in its attempt to follow the language of the statutory offense of obtaining money by false pretense in that the same fails to accompany the language of said statute with such a statement of the facts and circumstances as will inform this defendant of the specific offenses coming under the general description of the crime with which he is charged.

26. For that the allegations of said count fail to state facts which charge that any alleged representations made by this defendant were in fact false.

27. The allegations of said complaint fail to allege facts which show that any alleged false pretense was relied upon to the detriment of any individual named in said indictment.

28. The allegations of said count do not refer the allegation of any false pretense to a particular fact or facts with such certainty to apprise this defendant of what it is alleged he falsely pretended.

29. From aught appearing from the allegations of said count any alleged false pretense fails to result in the parting with of money or anything of value by any other person.

30. From aught appearing from the allegations of said count any alleged false pretense related merely to a promise of something to be done in the future.

31. For that the allegations of said count attempt to charge the commission of more than one distinct offense by this defendant in the same count.

32. For that the allegations of said count fail to inform the defendant as to which of the acts which defendant is alleged to have committed constitute the offense for which he is being tried.

33. For that the allegations of said count attempt to allege a false promise of something to be done in the future as constituting the offense for which defendant is to be tried.

34. For that the allegations of said count fail to state with sufficient clarity which of the alleged acts of the defendant are alleged to be false or fraudulent.

35. For that the allegations of said count do not sufficiently set forth or describe sufficient facts to allege the essential elements of the offense of obtaining money under false pretenses.

36. For that said count attempts to allege a fraudulent misrepresentation without setting forth the facts which constituted fraud as a matter of law.

37. For that said count attempts to allege the offense of obtaining money by false pretenses by following the language of the statute but the said count alleges that the defendant "fraudulently pretended" rather than that he "falsely pretended".

BEDDOW, GWIN & EMBRY

Carl Chason

BY

Thomas B. Brown

Attorneys for Defendant

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRERS

STATE OF ALABAMA,
PLAINTIFF,

VS

WILLIE MAX HARDEN,
DEFENDANT.

*filed 3-23-52
Avery*

STATE OF ALABAMA ,)	IN THE CIRCUIT COURT OF
PLAINTIFF,)	BALDWIN COUNTY, ALABAMA
VS)	NO. _____
CHARLES M. KNIGHT, alias)	
CHARLES KNIGHT, alias)	
CHARLIE KNIGHT,)	
DEFENDANT.)	

DEMURRERS

Now comes the defendant in the captioned cause and demurs to the indictment and to each count thereof separately and severally and for grounds of said demurrer sets down and assigns the following, separately and severally, to-wit:

1. For that it does not state an offense.
2. For that it does not state an offense against the laws and statutes of the State of Alabama.
3. For that it does not apprise the defendant as to what he is to defend.
4. For that it does not set forth sufficient facts to apprise the defendant as to what he is to defend.
5. For that the averments of said indictment are vague, indefinite and uncertain.
6. For that the same is vague, uncertain and indefinite as to person.
7. For that the same is vague, uncertain and indefinite as to place.
8. For that the same is vague, uncertain and indefinite as to time.
9. For that the averments of said indictment are narrative statements of the pleader in that it does not inform the defendant with exactness as to what he is to defend.
10. For that the averments of said count contain a misjoinder of offenses attempted to be charged thereby.

11. For that the averments of said count contain a misjoinder of parties defendant.

12. For that the averments of count two of said indictment wherein the same alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand and five hundred dollars (\$9,500.00) in lawful currency of the United States of America" fail to charge this defendant with any false representations or any false pretenses.

13. For that the allegations of said count two wherein it alleges "that they subsequently continued to represent to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they held the option to purchase the said Arretta tract of timber; that they then represented further to the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, that they had changed said option from the Arretta tract to another tract known as the Leone tract, also located in Mexico, and containing about twenty-six thousand acres, with the same terms of purchase, and that they then thereby induced the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, to pay to them an additional five thousand (\$5,000.00) dollars in lawful currency of the United States of America; and by means of such false pretenses, obtained from the said Callie Mae Watts, also known to the Grand Jury as Mrs. Don R. Watts, a total of nine thousand

and five hundred dollars (\$9,500.00) in lawful currency of the United States of America" fail to state facts which constitute an offense chargeable to this defendant.

14. For that the allegations of said count constitute an attempt to charge a mere false promise of something to be done in the future and therefore the same fails to state an offense.

15. For that the allegations of said count fail to sufficiently inform this defendant of the acts which allegedly constitute an offense charged against this defendant.

16. For that the allegations of said count do not apprise this defendant of the thing or things that he is alleged to have done in such a way as that such things amount to a crime or offense.

17. For that the allegations of said count fail to set forth with sufficient certainty to apprise this defendant of same, the facts constituting the nature and the cause of the accusations against this defendant.

18. For that the allegations of said count fail to sufficiently inform this defendant of the crime with which he is charged and also fail to sufficiently inform him of the acts which allegedly constitute that crime.

19. The allegations of said count fail to conform to the requirements of Section 6 of the Constitution of the State of Alabama of 1901.

20. The allegations of said count are violative of the provisions of Section 6 of the Constitution of Alabama of 1901.

21. The allegations of said count are violative of the provisions of the 14th Amendment to the Constitution of the United States.

22. The allegations of said count fail to conform to the requirements of the 14th Amendment to the Constitution of the United States.

23. The allegations of said count fail to give this defendant notice of the specific charge against him and to afford to this defendant a chance to be heard in a trial of the issues raised by that charge.

24. The allegations of said count fail to set forth all of the elements of the offense attempted to be charged against this defendant with a sufficient degree of particularity to identify the transaction to which the indictment relates as to place, persons, things and other details.

25. For that the allegations of said count fail to state an offense against this defendant in its attempt to follow the language of the statutory offense of obtaining money by false pretense in that the same fails to accompany the language of said statute with such a statement of the facts and circumstances as will inform this defendant of the specific offenses coming under the general description of the crime with which he is charged.

26. For that the allegations of said count fail to state facts which charge that any alleged representations made by this defendant were in fact false.

27. The allegations of said complaint fail to allege facts which show that any alleged false pretense was relied upon to the detriment of any individual named in said indictment.

28. The allegations of said count do not refer the allegation of any false pretense to a particular fact or facts with such certainty to apprise this defendant of what it is alleged he falsely pretended.

29. From aught appearing from the allegations of said count any alleged false pretense fails to result in the parting with of money or anything of value by any other person.

30. From aught appearing from the allegations of said count any alleged false pretense related merely to a promise of something to be done in the future.

31. For that the allegations of said count attempt to charge the commission of more than one distinct offense by this defendant in the same count.

32. For that the allegations of said count fail to inform the defendant as to which of the acts which defendant is alleged to have committed constitute the offense for which he is being tried.

33. For that the allegations of said count attempt to allege a false promise of something to be done in the future as constituting the offense for which defendant is to be tried.

34. For that the allegations of said count fail to state with sufficient clarity which of the alleged acts of the defendant are alleged to be false or fraudulent.

35. For that the allegations of said count do not sufficiently set forth or describe sufficient facts to allege the essential elements of the offense of obtaining money under false pretenses.

36. For that said count attempts to allege a fraudulent misrepresentation without setting forth the facts which constituted fraud as a matter of law.

37. For that said count attempts to allege the offense of obtaining money by false pretenses by following the language of the statute but the said count alleges that the defendant "fraudulently pretended" rather than that he "falsely pretended".

BEDDOW, GWIN & EMBRY

Cecil Chason
BY *James H. Beddow*
Attorneys for Defendant

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRERS

STATE OF ALABAMA,
PLAINTIFF,

VS

CHARLES M. KNIGHT, alias
CHARLES KNIGHT, alias
CHARLIE KNIGHT,
DEFENDANT.

2692

Filed 3.23.54
Alice J. Newell
clerk