

rendered. And the following of said persons so summoned to serve as Grand Jurors were then duly examined as to qualification by the Court and were then duly and legally impanelled and sworn and charged by the Court. W. Bradley having been appointed and sworn by the Court as Foreman of said Grand Jury; Geo. Tompkins, John Mobley, Chas. Head, James Bryars, Joe Fennear, Oscar Johnson, J. D. Trapp, Thos. Hadley, J. B. Gunn, G. B. Childress, W. B. Thomley, A. Merston, G. R. Suarez, J. P. Lipscomb and Tillman Lambert. And the said Grand Jury then retired under the charge of W. C. Booth, who had been duly appointed and sworn by the Court as Bailiff to said Grand Jury.

And the said Grand Jury among other indictments returned the following:-

Indictment: The State of Alabama, (Circuit Court
Baldwin County) Fall Term 1908.

The Grand Jury of said County charge that, before the finding of this Indictment, Lawrence Gray, in the presence or within the hearing of a female made use of abusive, insulting or obscene language against the peace and dignity of the State of Alabama,

James M. Granade,
Solicitor of the Thirteenth Judicial Circuit

No Prosecutor. A true bill

J. T. Bradley Foreman of the Grand Jury.

Witnesses: Maynard Coghlan, James Coghlan, Molly Patner
Filed in open Court 30th day of October, 1908.

J. M. Valtz, Clerk

No 32 The State vs John E. Smith,
The State of Alabama (Circuit Court
Baldwin County) Fall Term 1908

Be it remembered that a Court was begun and held for the County of Baldwin State of Alabama on the Fourth Monday in October, 1908 the same being the 26th day of the month; His Honor Saml. D. Browne, Judge Presiding also were present the Clerk of said Court and the Sheriff of said County when the following proceedings were had:-

And now comes Thomas A. Booth, Sheriff of said County and returns into Court his venire facias served upon the

following good and lawful men who had been duly and regularly drawn in accordance with law to serve as Grand Jurors at the present term of the Circuit Court to-wit: C. S. Thompson, J. W. McAdams, John Mobley, J. A. Bradley, Chas Head, James Bryars, Joe Lemmear, M. C. Underwood, Oscar Johnson, F. D. Troup, Thos Hadley, W. B. Gunn, G. B. Childress, W. B. Thomley, A. Mershon, G. R. Suarez, J. P. Lipscomb, and Tillman Lambert. All of whom answered to their names except M. C. Underwood and proof having been made to the satisfaction of the Court that the said M. C. Underwood has a good and sufficient excuse for his non attendance, it is ordered by the Court that he be and is excused. It is further ordered by the Court that J. W. McAdams (who was present in Court) be and he is excused upon a sufficient excuse being rendered. And the following of said persons so summoned to serve as Grand Jurors were then duly examined as to qualification by the Court and were then duly and legally impanelled, sworn and charged by the Court: J. A. Bradley having been appointed and sworn by the Court as Foreman of said Grand Jury: C. S. Thompson, John Mobley, Chas Head, James Bryars, Joe Lemmear, Oscar Johnson, F. D. Troup, Thos Hadley, W. B. Gunn, G. B. Childress, W. B. Thomley, A. Mershon, G. R. Suarez, J. P. Lipscomb and Tillman Lambert. And the said Grand Jury then retired under the charge of W. C. Booth who had been duly appointed and sworn by the Court as Bailiff.

And the said Grand Jury among other indictment returned the following:

Indictment:

The State of Alabama,
Baldwin County }

Circuit Court
Fall Term, 1908.

The Grand Jury of said County charge that before the finding of this Indictment, John E. Smith, did wantonly or maliciously throw or cast a missile, calculated to produce death or great bodily harm into a locomotive or car of a railroad train in or on which there was a human being, against the peace and dignity of the State of Alabama.

James N. Granade,

Solicitor of the Thirtieth Judicial Circuit.

Endorsed:

No Prosecutor. A true Bill.

J. A. Bradley, Foreman of the Grand Jury

Witnesses: Same as #2. State vs J. E. Smith

Bail fixed in open Court at Two Hundred Dollars this 30th day of Oct. 1908.

Amil B. Browne, Judge,
Filed in open Court 30th day of October 1908.
J. M. Volz, Clerk.

Capias.

The State of Alabama, (

Baldwin County

To my Sheriff of the State of Alabama:
An indictment having been found against John E. Smith at the Fall Term, 1908 of the Circuit Court of Baldwin County, for the offense of Wantonly or maliciously throwing or casting a missile calculated to produce death or great bodily harm into a locomotive or car of a railroad train in or on which there was a human being, 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 30th day of Oct 1908

J. M. Volz, Clerk of the Circuit Court
of Baldwin County.

Received Oct 31, Executed by arresting the defendant and released on bond Oct 31st 1908.

D. A. Booth, Sheriff.

The State of Alabama, (

Baldwin County

We, John E. Smith and agree to pay the State of Alabama Two Hundred & 00/100 Dollars unless the said John E. Smith appears at the Fall 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 Maliciously throwing or casting a missile calculated to produce death or great bodily harm in locomotive or car of railroad in or on which there was human beings.

In signing the above Bond, we and each of us, agree to waive all legal rights of exemptions allowed us by the Constitution and Laws of Alabama.

Witness our hands and seals this 31 day of October, 1908

John E. Smith, Seal
D. A. Johnson, Seal

W R White, Seal
B Paylor Seal

Taken & approved 31 day of Oct, 1908
J. A. Booth, Sheriff.

State of Alabama,

Circuit Court.

vs
John E. Smith

Now comes the defendant and demurs to the indictment in this cause upon each of the following grounds, separately:
1st The allegations that the missile was "calculated to produce death or great bodily harm" is the mere conclusion of the pleader
2nd The said indictment does not allege the kind or character of the missile alleged to have been used.
3rd The allegations of the said indictment are vague, uncertain and indefinite as to the kind of missile alleged.

L Hall & F. S. Stone for rept.

Filed March 31st 1909,
W Hall, Clerk.

No 33

The State of Alabama,
Baldwin County

The State vs Wilton Cooper
Circuit Court
Fall Term, 1908.

Be it remembered that a Court was begun and held for the County of Baldwin State of Alabama on the fourth Monday in October, 1908, the same being the 26th day of the month, His Honor Saml B. Browne Judge Presiding also were present the Clerk of said Court and the Sheriff of said County when the following proceedings were had: And now comes Thomas A. Booth Sheriff of said County and returns into Court his venire facies served upon the following good and lawful men who had been duly and regularly drawn in accordance with law to serve as Grand Jurors at the present term of the Circuit Court to wit: C. S. Tompkins, P. H. McAdams, John Mobley, J. B. Bradley, Chas. Head, James Bryars, J. J. Fennear, M. C. Underwood Oscar Johnson, F. D. Troup, Thos. Hadley, M. J. Gunn, G. B. Childress, W. B. Thornley, A. Marshon, G. R. Sures, J. P. Lipscomb and Tillman Lambert, All of whom, answered to their names except M. C.

Organization
of Court and
Grand Jury.