

Received Oct 30th 1908 presented by arresting the defendant
and released on bond Nov 1st 1908.
T. M. Booth, Sheriff

No. 38. The State vs Henry A. Cooper,
The State of Alabama, Circuit Court,
Baldwin County, Fall Term, 1908,

Organization
of Court and
Grand Jury.

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 facias served upon the
following good and lawful men who had been duly and regularly
drawn in accordance with the law to serve as Grand Jurors
at the present term of the Circuit Court to wit: C. J. Thompson
P. H. McAdams John Mobley, J. A. Bradley, Chas. Head, James Bryars,
Joe Penzmar, M. O. Underwood, Oscar Johnson, F. D. Group,
W. B. Gunn, G. B. Childress, W. B. Thornley, A. Mershon, G. R.
Suares, J. P. Lipscomb and Tillman Lambert. all of whom
answered to their names except M. O. Underwood, and proof having
been made to the satisfaction of the Court that the said M. O. Under-
wood 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 that P. H. 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 empanelled, sworn
and charged by the Court. J. A. Bradley having been appointed
and sworn by the Court as Foreman of said Grand Jury:
C. J. Thompson, John Mobley, Chas. Head, James Bryars, Joe
Penzmar, Oscar Johnson, F. D. Group, Thos. Hadley, W. B.
Gunn, G. B. Childress, W. B. Thornley, A. Mershon, G. R. Suares,
J. P. Lipscomb, and Tillman Lambert. And the said Grand
Jury then retired under the charge of T. M. 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.

1. The Grand Jury of said County charge, that before the finding of this Indictment, Henry H. Cooper, being at said time the Tax Collector for Baldwin County, Alabama, did collect sums of money for the County Taxes due to said County of Baldwin, about Three Thousand Dollars (\$3000⁰⁰) and did fail to make returns of the said tax money as collected and which was at the time in his hands being for the fiscal year of 1907 and did fail to forward the said tax money to Charles E. Wilkins, the County Treasurer of Baldwin County, Alabama as provided by law.

2. And said Grand Jury further charge that before the finding of this Indictment Henry H. Cooper being at the time the Tax Collector for Baldwin County, Alabama, and having collected certain taxes due said County for the fiscal year of 1907 about Three Thousand Dollars (\$3000⁰⁰) he did fail to make and file with Charles E. Wilkins, County Treasurer of Baldwin County, Ala an itemized report in writing and under oath within the first three (3) business days of December 1907, setting forth separately the taxes collected by him for the State of Alabama and for Baldwin County, during the month of November 1907 and did fail to pay over to the aforesaid County Treasurer not later than the 8th day of December, 1907 all County taxes due from him to Baldwin County, Alabama, which had come into his hands and collected for said County for the month of November, 1907, against the peace and dignity of the State of Alabama.

James H. Granade, Solicitor of the Thirtieth
Judicial Circuit.

Endorsed No Prosecutor. A true Bill.

Witnesses: J. D. Bradley, foreman of the Grand Jury,
John Purifoy, Charles E. Wilkins, Oscar Hall, J. M. Volz,
W. D. Stapleton, B. H. Padgett.

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

Samuel B. Browne, Judge.

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

Capias. ~~Received Oct 30, 1908, Executed by arresting the defendant and~~
~~released on bond Dec. 19th 1908.~~
J. A. Booth, Sheriff.

The State of Alabama,

Baldwin County / To any Sheriff of the State of Alabama:
An Indictment having been found against Henry H. Cooper at the Fall Term, 1908 of the Circuit Court of Baldwin County for the offense of Embezzlement you are therefore Com-
manded 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 30, 1908, Executed by arresting the defendant and
released on bond Dec. 19th 1908, J. A. Booth, Sheriff.

Bond.

The State of Alabama, (

Baldwin County)

Circuit Court.

We, Henry H. Cooper, defendant, and and agree
to pay to the State of Alabama Three Hundred (\$300.00) Dollars unless
Henry H. Cooper appears at the next Term of the Circuit Court
at Bay Minette, in Baldwin County, Alabama and from day to
day and from term to term hereof until discharged by law
to answer a Complaint against him in said Court, for the
offense of Embezzlement. And we and each of us hereby
waive all right to Claim of Exemption we or either of us
have, now or may hereafter have, under the Constitution and Laws
of Alabama, and we hereby severally certify that we have
property free from all incumbrance to the full amount
of the above Bond.

Witness our hands and seals this 14 day of Dec 1908

Henry H. Cooper

Matilda C. Cooper

N. H. Gullidge

M. C. Cooper

Seal
Seal
Seal
Seal

Taken and approved Dec 14 1908
 T. A. Booth, Sheriff

Defendants. State }
 vs }
 H. H. Cooper } No 38. Circuit Court.

Comes the defendant and demurs to the indictment in this cause upon each of the following grounds separately:
 To the 1st Count.

1st Because the allegations of the said Count are vague, uncertain and indefinite in this: That they do not allege for what month or months defendant failed to make reports.

2nd Because it does not allege that it was the duty of the said Henry H. Cooper to make returns as required by law.

To the 2nd Count.

1st Because it does not allege that the money alleged to not have been paid over was at the time in the hands of the said Henry H. Cooper as Tax Collector.

To the Whole indictment Because: there is a misjoinder of Counts, in that it charges a felony in one Count and a misdemeanor in the other.

Leslie Hall, atty for Deft.

No 39. The State vs Henry H. Cooper.
 The State of Alabama } Circuit Court
 Baldwin County } Fall Term 1908.

Organization
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 Grand Jury.

As it is 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 facias served upon the following good and lawful men who had been duly and regularly summoned drawn in accordance with law to serve as Grand Jurors at the present term of the Circuit Court to wit: C. S. Thompson, P. W. McAdams, John Mobley, J. A. Bradley, Chas. Head, James Byars, Jos. Terminate, M. C. Underwood, Oscar Johnson, F. D.