

No. 46- The State versus John Askew

Organization of Court and Grand Jury. The State of Alabama } Circuit Court
Baldwin County } Fall Term, 1910.

Be it remembered that at a regular term of the Circuit Court of Baldwin County, Alabama, held at the said Court House of said County on the Fourth Mauday of October, A.D. 1910, the same being the 24th day of said month; His Honor Samuel B. Browne, Judge Presiding, and also was present the Clerk of said Court and the Sheriff of said County.

Previous to the adjournment of the last term of this Court, to-wit: On the 7th day of April, A.D. 1910, the Judge of this Court drew from the jury box, in open Court, fifty cards, on each of which was a name to supply the Grand Jury for this term, and petit jurors for the first week, and the names of the persons drawn, are: Jesse E. Nelson, John M. Bishop, Noah Silcox, Leslie N. Bryars, Sam Martin, George W. Miller, James J. Bradley, James C. Stapleton, Dan M^cFarren, George N. Ward, Chas Y. Wilson, D. Richard Catbath, Henry Gipson, John B. Shipp, W^m N. Chandler, Dan W. Stewart, Sam Crane, Arthur Nixon, James R. Hammeth, Tillman Lambert, J. Ossee Bateau, Joe P. Johnson, Paul Ralfe, W. Douglas Servant, Randolph M^cGowan, Joseph B. Vauker, James Holtou Beasley, John Pittman Jr., W^m G. Bishop, Cleveland Fell, W^m L. Barnette, Roscoe Cligbe, John H. Durden, Frank P. Redmond, Chas J. Phillips, John W. Cover, Robert L. Sulford, Harrison S. Tomley, John W. Baggett, Joe Dyas, Chas J. Davison, Richard B. Padgett, Giles L. Phillips, H. Lee Perry, Allen C. Grimes, Chas P. Hanson, G. Ed Burgett, Jay B. M^cGrew, and the Judge placed them in an envelope, sealed same, and on the 5th day of October, 1910, delivered them to the Clerk of the Court who forthwith issued to the Sheriff a venire facias containing the names of the persons draw, the day they are to appear, their occupation and the place of business and residence.

And now comes Thomas A. Booth, Sheriff of said County and returns into Court his venire facias served upon all of said jurors except, Noah Silcox, H. Lee Perry, G. Ed Burgett and Leslie N. Bryars, all of whom answered to their names, except, James C. Stapleton, John B. Shipp, Sam Crane and Arthur Nixon, and it appearing to the Court that said persons have a good and sufficient excuse for their non-attendance, at this term of the Court, it is ordered that they be and are excused.

And the following of said persons so drawn and summoned, viz: Henry Gipson, J. Ossee Bateau, John Pittman Jr., W^m L. Barnette,

John A. Kew, continued

Rocco Clizbe, appeared and in open Court submitted reasons why they should not serve as jurors, it is ordered that they be and are excused.

And now after hearing excuses, claims of exemptions and disqualifications and passing upon the same, it appears to the Court that there are not enough qualified jurors in attendance upon the Court to form the juries required, the Judge of the Court drew from the jury box the names of the following jurors, viz: George W. Humphries, Edouard Higgins, Carthus Irwin, Herbert Killcrease, John N. Schumaker, Pete N. Jones, John W. Miller, James M. Thompson, John J. Campbell, Benjamin C. Britth, Orrie C. Hall, Wm M. Burns, James L. Brown, Morgan Mison, Wm P. Matthews, Will J. Cromartie, Willard W. Olney, J. P. Mix, who were then within or reside within five miles of the Court House, to complete all juries, then required the Sheriff forthwith to summons such jurors to attend Court instantler.

And now on this the 24th day of October 1910, the Judge presiding in open Court, required to be called all the persons in attendance upon the Court named in the venire to be called, and after hearing excuses, claims of exemptions and disqualifications, and passing upon the same, caused to be placed in a hat the cards containing the names of all the persons present, who were not excused by the Court or exempt or disqualified, and the Judge first drew therefrom eighteen of said cards containing the following names, Jay P. Mix, Will J. Cromartie, Chas P. Hanson, Allen C. Grimes, Christopher Columbus Rodgers, Robert L. Fulford, Giles L. Phillips, James Hottaw Beasley, W. Douglas Durant, Richard B. Padgett, Chas F. Davison, Joe Byess, John W. Buggett, Ray Brewster, Wm M. Burns, Jay B. M^{rs} Grew, Orrie C. Hall and George W. Humphries, who compose the Grand Jury for this term.

And now it appearing to this Court that the Grand Jury is now complete and is composed of the said eighteen named jurors, the Court appointed George W. Humphries as foreman of the Grand Jury, and administered to him the oath as set forth in Section 7284 of the Criminal Code of Alabama, while the oath set forth in Section 7285 was duly administered to the other Grand Jurors, and M. N. Wilkins was sworn in as Bailiff in attendance to the Grand Jury thus organized, who being duly charged in reference to the business to be transacted by them, retired to the Grand Jury room.

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

John Askew, continued

Indictment. The State of Alabama } Circuit Court
Baldwin County } Fall Term, 1910.

The Grand Jury of said County charge that, before the finding of this indictment, John Askew wantonly placed an impediment, to-wit a cross tie, on the Railroad of the Louisville and Nashville Railroad Company in such manner as to render liable the engine, car or other vehicle to diverge or be thrown from the track thereof.

And said Grand Jury further charge that, before the finding of this indictment, John Askew, wantonly or maliciously placed an impediment on the track of the Louisville and Nashville Railroad Company, to-wit, a cross-tie in such manner as to render the engine to diverge or be thrown from the track thereof, against the peace and dignity of the State of Alabama.

Frank J. Stone
Solicitor of the Thirteenth Judicial Circuit

Entered. No Prosecutor. - A. True Bill.

G. W. Humphries, Foreman of the Grand Jury.

Witnesses: J. C. Comer, L. J. Smith, Dan Wilson, John Fitzpatrick.

Filed in open Court November 2nd 1910.

A. O. Browne, Clerk.

Demurrers. State of Alabama }
 } versus
John Askew } Circuit Court

Now comes the defendant and demurs to the indictment and each count thereof separately, upon each of the following separately, to-wit:
1st It does not allege whether the Louisville and Nashville Railroad Company is a corporation or a partnership.

To the 2nd Count of the indictment he demurs:
Because it does not allege that the impediment was placed on said track in such a manner as to render the engine "liable" to diverge or be thrown from the track.

Leslie Hall,
Atty for Defendant.

Filed Nov 3rd 1910

A. O. Browne, Clerk.

No 59 - The State versus Leo Rasm

Organization }
 of Court and }
 Grand Jury }
 The State of Alabama } Circuit Court
 Baldwin County } Fall Term, 1910

Be it remembered that at a regular term of the Circuit Court of Baldwin County, Alabama, held at the said Court House of said County on the fourth Monday of October, A.D. 1910, the same being the 24th day of said month; His Honor Samuel B. Browne, Judge presiding, and also was present the Clerk of said Court and the Sheriff of said County.

Previous to the adjournment of the last term of this Court, to-wit: On the 7th day of April, A.D. 1910, the Judge of this Court drew from the jury box, in open Court, fifty cards, on each of which was a name to supply the Grand Jury for this term, and petit jurors for the first week, and the names of the persons drawn are: Jose E. Nelson, John M. Bishop, Noah Silcox, Leslie H. Bryars, Sam Martin, George H. Miller, James J. Bradley, James C. Stapleton, Dan W. Starren, George H. Ward, Chas Y. Wilson, D. Richard Catrett, Henry Gipsen, John B. Shipp, Wm. N. Chandler, Dan H. Stewart, Sam Crane, Arthur Wison, James B. Hammett, Tillman Lambert, J. Ossee Batsou, Joe B. Johnson, Paul Rolfe, M. Douglas Durant, Randolph W. Gowan, Joseph B. Vaughn, James Holton Beasley, John Pittman Jr., Wm. G. Bishop, Cleveland Fell, Wm. L. Barrette, Roscoe Cligbe, John H. Burden, Frank P. Redmond, Chas J. Phillips, John H. Carver, Robert L. Fulford, Harrison S. Founley, John H. Baggett, Joe Dyess, Chas F. Davison, Richard B. Padgett, Giles L. Phillips, H. Lee Perry, Allen C. Grimes, Chas P. Hanson, G. Ed Burgett, Jay B. Wm. Grew, and the Judge placed them in an envelope, sealed same, and on the 5th day of October 1910, delivered them to the Clerk of the Court who forthwith issued to the Sheriff a venire facias containing the names of the persons drawn, the day they are to appear, their occupation and the place of business and residence.

And now comes Thomas A. Booth, Sheriff of said County and returns into Court his venire facias served upon all of said jurors, except, Noah Silcox, H. Lee Perry, G. Ed Burgett and Leslie H. Bryars, all of whom answered to their names, except, James C. Stapleton, John B. Shipp, Sam Crane and Arthur Wison, and it appearing to the Court that said persons have a good and sufficient excuse for their non attendance at this term of the Court; it is ordered they be and are excused.

And the following of said persons so drawn and summoned, viz: Henry Gipsen, J. Ossee Batsou, John Pittman Jr., Wm. L. Barrette, Roscoe Cligbe, appeared, and in open Court submitted reasons