

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 of Court and 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 Bryars, Jos. Terminate, M. C. Underwood, Oscar Johnson, F. D.

Troup, Thos. Hadley, J. D. Houp, G. B. Childress, W. B. Thomley, A. W. Mosher, G. R. Suarez, 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 he said M. O. 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. M. Adams (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. W. Bradley having been appointed and sworn by the Court as Foreman of said Grand Jury; L. S. Thompson, John Mobley, Chas. Head, James B. Myers, Jr., Ferniear Oscar Johnson, J. D. Houp, Thos. Hadley, W. B. Tamm, G. B. Childress, W. B. Thomley, G. R. Suarez, J. P. Lipscomb and Tillman Lambert.

And the said Grand Jury then retired under the charge of M. Booth who has 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,
Baldwin County

Circuit Court
Fall Term, 1908.

1. The Grand Jury of said County charge that, before the finding of this Indictment, Henry A. Cooper being at said time the Tax Collector of Baldwin County, Alabama, did collect sums of money for the County taxes due to said County about Five Hundred Dollars (\$500.00) and did fail to make returns of the said tax money as collected and which was at the time in his hands for the fiscal year of 1907 and did fail to forward the said tax money to Charles E. McKinnis the Treasurer of Baldwin County, Alabama as provided by law.
2. And said Grand Jury further charge that before the finding of this Indictment Henry A. Cooper being at said time the Tax Collector of Baldwin County, Ala. and having collected certain taxes due said County about Five Hundred Dollars he did fail to make and file with the County Treasurer of said County Charles E. McKinnis an itemized report in writing and under oath within the first three (3) business days of November

1907 setting forth separately the taxes collected by him for the State of Ala. and County of Baldwin during the month of October 1907 and did fail to pay to said County Treasurer as aforesaid, not later than the 8th day of November 1907 a County Tax on due from him to County and which had come into his hands and by him collected for the month of October 1907, against the peace and dignity of the State of Alabama

James M. Granade
Clerk of the Court

No. Prosecutor. A True Bill.

Witnesses: J. T. Bradley, Foreman of the Grand Jury,
John Curfay, Charles C. Williams, J. M. Valtz, Oscar
Hall W. D. Stapleton, B. H. Padgett

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

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

The State of Alabama }
Baldwin County } To my 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, commanded forthwith to arrest the said defendant and commit him to jail, unless he gives bail to answer said indictment and that you return this writ according to law.
Dated this 30th day of Oct 1908.

J. M. Valtz,
Clerk of the Circuit Court of Baldwin County.
Received Oct 30th 1908 executed by arresting the defendant and released on bond on 19th 1908.
J. A. Booth, Sheriff.

The State of Alabama
Baldwin County }
The Henry H. Cooper defendant 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 Wilkerson County, Alabama and from day to day and from term to term thereof 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 encumbrance to the full amount of the above Bond.

Witness our hands ^{and} seals this Dec day of 1908

Henry A. Cooper

Matilda Cooper

J. G. Gudge

M. Cooper

Seal
Seal
Seal
Seal

Taken and approved Dec 17 - 1908,

Thos A. Booth, Sheriff.

Demurred. The State
vs
Henry A. Cooper

Circuit Court.

Defendants demurs to the indictment in this Cause upon each of the following grounds, separately.

To the first Count. 1st because it does not allege for what month or months said taxes were collected.

2nd Because it does not allege that it was the duty of the said Henry A. Cooper to pay over to Chas E. McKinnis the money alleged to have been collected by him.

To the second Count. Because it does not allege that the money alleged to have been collected was at the time in his hands.

Lester Hall, atty.

Filed March 31st 1909

W. Hall, clerk

No 40

The State of Alabama,
Baldwin County }Circuit Court
Spring Term, 1909

To any sheriff of the State of Alabama, Greeting:

You are hereby commanded to notify Ed Crowe, W.D. Stapleton & U.A. Irwin that at the Fall Term 1908 of the Circuit Court of said County, a judgment was rendered against them of which the following is a copy.

The State

Indictment for Carrying Concealed Weapons

vs

Ed Crowe

It appearing to the Court that the said Ed Crowe together with W.D. Stapleton & U.A. Irwin agreed to pay the State of Alabama the sum of One Hundred ^{and} fifty Dollars unless the said Ed Crowe appeared at this Term of the Court to answer in this case; and the said Ed Crowe having failed to appear, it is therefore ordered that the State of Alabama, for the use of Baldwin County, recover of the said Ed Crowe, W.D. Stapleton & U.A. Irwin on said undertaking the sum of One Hundred ^{and} fifty Dollars unless they appear at the next Term of this Court and show cause why this judgment should not be made absolute.

You will, therefore, by serving a copy hereof, notify the said Ed Crowe, W.D. Stapleton & U.A. Irwin that the said judgment will be made absolute against them at the next term of said Court unless they then appear and show cause against the same.

Witness my hand this 17th day of Dec. 1908,
J. M. Volz, Clerk.

Received in office Dec 17, 1908. J. A. Booth, Sheriff.

I have executed this writ this Jan 9th 1909 by serving copy on W.D. Stapleton & U.A. Irwin. Ed Crowe not found.
J. A. Booth, Sheriff.