

Robinson v. The State

Transcription

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First Div. No 45. Return to Certiorari Filed June 8th 1871 D.B. Booth Clerk.

The State vs Jane Robinson

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The State of Alabama versus Jane Robinson

Caption of the Grand Jury The State of Alabama Mobile county } Be it remembered that on the first monday and sixth day of June A.D. 1870, the City Court of Mobile met at the Court house of said County and State in pursuance of law for the transaction of criminal business: present Hon¹ C.F. Moulton Judge

At 10 oclock A.M. said Court was regularly opened by the Sheriff of said County but previous to the commencement of the present term and in pursuance of law towit, on the 16th day of May 1870, the Judge of Probate, the Sheriff, and the Clerk of the City Court for said County met at the office of the Judge of Probate in the court house thereof and drew the names of eighteen persons, good citizens of said County, as grand jurors for the present term of said Court as follows N. W. Rowell - Gardener - Beat No 6 Thomas Gretofol - Waterman - City of Mobile F. A. Lefevre - same D. J. Turner - Beat No 1 Silas Halliwell - Beat No 3 William Brennan - Policeman - City of Mobile John Cotchett - Wharf mger - same George Batteaste - same E. B. Barnode - same R. L. Cherry - Expressman - same W. C. Merriwether - Telegraphman - same Patrick U Murphy - same Zeno Orso - Farmer - Beat No 4 William T Bullock - City of Mobile William E. Sutton - same S. P. Ensign - same Joseph Durrette - Beat No 1 Robert Purvis Jr - Beat No 2 which drawing was duly certified by the aforesaid officer and deposited in the office of the Probate Court and a venire facias forthwith issued by the said Clerk of the City court directed to the said Sheriff

And now on this day said, Sheriff came into Court with said process returned as follows,, In compliance with the within order, I have summoned the following named persons towit, Thomas Gretopoll, F.A. Lefevre, John Cotchett, Geo Baptiste, Patrick U. Murphy, J.P. Ensign and W. E. Sutton to serve as grand jurors. The following named persons not found in my County. N.W.

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Rowell, W^m Brannon, D.J. Turner, E.B. Barnode, Silas Halliwell R.L. Cherry, W. C. Merriwether, Zeno Orso, W. F. Bullock, Joseph Durrette and Robert Purvis Jr. Of those summoned George Baptiste sent into Court, the certificate of a physician showing him to be too sick to serve, and Thomas Grotopoll, John Cotchett, and J.P.

Ensign, announced themselves severally under oath to be over the age of sixty years, and they were thereupon discharged. The venire being this reduced to the number of three jurors present, it was ordered by the Court, that the Sheriff summon twenty lawfully men to appear in court tomorrow morning from which number to make up the deficiency. And the Court adjourned until tomorrow morning 10 Oclock a.m.

Tuesday June 7 1870 On the opening day of the Court the sheriff reported the names of twenty persons summoned to supply the deficiency in the grand jury in obedience to the order of yesterday of whom F. Sulzner C. A. Hollinger, T. C. Carter, Semmy Bauer, Charles Hurley, Owen Farley, John Lawrence, A. E. Rouse, Caleb Price, E. D. Taylor, Londen Fenderson, Felix Andre Jr. and Charles D Nicholas appeared and took their seats, making together with the three on the original venire sixteen jurors present, and the same being a legal number the Grand Jury now composed of F. A. Lefevre, W.E. Sutton. P. U. Murphy, F. Sulzner, C. A. Hollinger, T. C. Carter, Semmy Bauer, Charles Hurley, Owen Farley, John Lawrence, A. E. Rouse, Caleb Price, E. D. Taylor, Londen Fenderson, Felix Andre Jr. & Charles D. Nicholas were empanelled and sworn with Caleb Price, by nomination of the court, foreman, and charged by the court as to the duties to be performed by them. W. Taylor Douglas was sworn as bailiff in attendance, and said Grand Jury retired to their room for the transaction of such business as should come under their consideration

Indictment The State of Alabama Mobile County } City Court of Mobile June Term 1870 The Grand Jury of said County charged that before the finding of this indictment Jane Robinson unlawfully and with malice aforethought killed a certain male child whose name is to the Grand Jury unknown then late before born of the body of the said Jane Robinson by strangling him with a string against the peace and dignity of the State of Alabama

And the Grand Jury of said County further charge that before the finding of this indictment Jane Robinson unlawfully and with malice aforethought killed a certain male child whose

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name is to the Grand Jury unknown then late before born of the body of the said Jane Robinson by strangling him with a cord against the peace and dignity of the State of Alabama

And the Grand Jury of said County further charge that before the finding of this indictment Jane Robinson unlawfully and with malice aforethought killed a certain male child whose name is to the Grand Jury unknown then late before born of the body of the said Jane Robinson by suffocating him with a piece of cloth against the peace and dignity of the State of Alabama

And the Grand Jury of said County further charge that before the finding of this indictment Jane Robinson unlawfully and with malice aforethought killed a certain male child whose name is to the Grand Jury unknown, then late before born of the body of the said Jane Robinson by suffocating him with a piece of silk against the peace and dignity of the State of Alabama

And the Grand Jury of said County further charge that before the finding of this indictment Jane Robinson unlawfully and with malice aforethought killed a certain male child whose name is to the Grand Jury unknown then late before born of the body of the said Jane Robinson throwing him into a well whereby he was drowned against the peace and dignity of the State of Alabama /signed/ M. B. Jonas Solicitor of Mobile County

Endorsement No Presecutor / signed/ Caleb Price Foreman Witnesses Dr R. L. Brodie, Mary Magee, H. M. Melton, Mary Heathcote, Julia Grey, Dave Parsons, A. W. M'Cormick

A True Bill Caleb Price Foreman of the Grand Jury Filed in open Court June 13th 1870 P. LaVergy Clk

Arraignment The State of Alabama vs Jane Robinson } June 21st 1870 This day came the State of Alabama by its solicitor and the defendant was brought into court, and arraigned on an indictment charging her with the

crime of Murder, to which charge she pleaded not guilty, and thereupon her trial was set for Thursday the 7th day of July next, and it is ordered that fifty jurors including the regular panel be summoned, and that a list of said jurors, with a copy of the indictment be served upon the defendant one entire day before the trial

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July 7th 1871 The cases set for this day not being ready for trial the same were laid over to future days

Trial July 9th 1871 The State of Alabama vs Jane Robinson } This day came the State of Alabama by its solicitor, and the defendant with her counsel, and their cause, set for the 7th wit, and laid over until this day now comes up for trial, and a special jury being waived by the defendant, thereupon comes the regular panel for the week, towit, John P Fowler, R. Boullemet, P. H. Lavender, Richard Welch, Charles Lang, Thomas M^cPhillips, John White, Alexander Greenwood, J.T. Hunter, William Mason, Martin Sayer and Brutus James, who being empanneled and sworn well and truly to try the issue joined and having heard the evidence, the arguments of counsel and the charge of the court, rendered the following verdict, "we the jury find the prisoner guilty as charged in the indictment, and we further find that she shall be punished by imprisonment in the penitentiary for life." It is therefore ordered that she be remanded to jail to await the further action of the court, and that the State of Alabama recover the costs of prosecution

Sentence July 16 1870 The State of Alabama vs Jane Robinson } And now on this day the said Jane Robinson was brought into court, to receive sentence upon the conviction had against her at the present term for the crime of Murder and being asked if she had anything to say why the judgment of the law should not be pronounced upon her, she replied that she had not. It is therefore the sentence of the court that within the time prescribed by law the Sheriff of Mobile County convey the said Jane Robinson to the penitentiary of the State of Alabama and deliver her into the custody of the warden or keeper thereof, and that she be confined at hard labor therein for the term of her natural life

Motion in Arrest of Judgement July 22 1870 The State of Alabama vs Jane Robinson } This day came the defendant by her counsel and moved the court to arrest the judgment and sentence pronounced upon her at a previous day of the present term of this court on conviction had against her for the crime of Murder, because the verdict of the jury did not find the degree of the murder whether in the first or in the second degree; and said motion on consideration thereof

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was refused _ whereupon the defendant claimed an appeal to the Supreme Court, and tendered bill of exceptions, which said appeal was granted, and it is ordered that the execution of the sentence heretofore pronounced upon the defendant as above stated be stayed until the 10th day of March next.

Order for Jury February Term 1871 March 25th 1871 The State of Alabama vs. Jane Robinson } This day came the State of Alabama by its solicitor and the defendant with her counsel and the judgment and sentence rendered on the trial of this cause at a previous term of the court being reversed by the Supreme Court on appeal and remanded for further proceedings, the same is set for tuesday the 4th day of April next, and it is ordered that **seventy** fifty jurors including the regular panel be summoned to appear before the court on that day, and that a list of said jurors with a copy of the indictment be served on the defendant one entire day before the trial

April 4 1871 The State of Alabama vs Jane Robinson } This cause not being ready for trial is laid over until tomorrow 5th inst.

Trial April 5 1871 The State of Alabama vs Jane Robinson } And now on this day came the State of Alabama by its solicitor, and the defendant with her counsel, and this cause now being ready for trial, thereupon came a jury of lawfully qualified men, towit, Thomas W Marshall, Russell W Lewis, Charles Wilhelm, Benjamin Pearce, M^cHenry Taylor, James A Charbinet, James L Cassidy, D. K. Jenks, James Hagan, John C Berry, Roland Boullemet, Jo Laurendine, who being empanneled and sworn well and truly to try the issue joined between the State of Alabama and the prisoner at the bar, and having heard the evidence, the arguments of counsel and the charges of the court, rendered the following verdict: we the jury find the prisoner guilty of murder in the second degree, and we further find that she shall be imprisoned in the pentitentiary for ten years. It is therefore ordered that she be remanded to jail to await the sentence of the court and that the State of Alabama recover the costs of prosecution

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Sentence April 8th 1871 The State of Alabama vs Jane Robinson } And now on this day came the State of Alabama by its solicitor, and the defendant to receive sentence upon the conviction, had against her at the present term for the crime of Murder in the second degree, and being asked if she had any thing to say why the judgment of the law should not be pronounced upon her she replied that she had not. It is therefore the sentence of the court that the sheriff of Mobile County within the time prescribed by law convey the said Jane Robinson to the pentitentiary of the State of Alabama, and deliver her into the custody of the warden or keeper thereof to be confined at hard labor therein for the term of ten years; and the defendant claiming an appeal to the next term of the Supreme Court to be held on the first Monday of June next, the execution of this sentence is suspended until the eighth day of August nexr.

Clerks Certificate The State of Alabama Mobile County } L.S. I, P. LaVergy, Clerk of the City Court of Mobile hereby certify that the foregoing transcript contains a full and complete copy of the record and proceedings had before said court in the cause of the State vs Jane Robinson and for which an appeal was claimed to the Supreme Court

In testimony whereof I hereunto set my hand and the seal of the Court this 7th day of June A.D. 1871 P. LaVergy Clk

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The State of Alabama versus Jane Robinson

Transcript of the record and proceedings had before the City Court of Mobile in the cause of the State vs Jane Robinson under an indictment charging the defendant with the crime of Murder

February Term 1871 March 25 1871 The Court met pursuant to adjournment at 10 Oclock A. M. present Hon¹ C. F. Moulton Judge

Order for Jury The State of Alabama vs Jane Robinson } This day came the State of Alabama by its solicitor, and the defendant with her counsel, and the judgement and sentence rendered on the trial of this cause at a previous term of the court being reversed by the Supreme Court on appeal, and remanded for further proceedings, the same is set for tuesday the 4th day of april next, and it is ordered that fifty jurors including the regular panel be summoned to appear before the Court on that day, and that a list of said jurors with a copy of the indictment be served on the defendant one entire day before the trial

April 4th 1871 The court met pursuant to adjournment at 10 oclock a.m. present Hon¹ C. F. Moulton Judge; and the case of the State vs Jane Robinson, set for this day, not being ready for trial, is laid over until tomorrow 9 oclock a.m. to which time the court adjourned

Trial April 5 1871 The State of Alabama vs Jane Robinson } And now on this day came the State of Alabama by its solicitor, and the defendant with her counsel, and this cause now being ready for trial thereupon came a jury of lawfully qualified men, towit, Thomas W. Marshall, Russell W. Lewis, Charles Wilhelm, Benjamin Pearce, M^cHenry Taylor, James A. Charbonnet, James L Cassidy, D.K. Jenks, James Hagan John C Berry, Roland Boullemet & J Laurendine who being empanneled and sworn well and truly to try the issue joined between the State of Alabama and the prisoner at the bar, and having heard the evidence, the arguments of counsel, and the charge of the court, rendered the following verdict: "We the jury find the prisoner guilty of murder in the second degree, and we

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further find that she shall be imprisoned in the penitentiary for ten years: It is therefore ordered that she be remanded to jail to await the sentence of the court, and that the State of Alabama recover the costs of prosecution

Sentence April 8 1871 The State of Alabama vs Jane Robinson } And now on this day came the State of Alabama by its solicitor, and the defendant to receive sentence upon the conviction had against her at the present term for the crime of Murder in the second degree, and being asked if she had anything to say why the judgment of the law should not be pronounced upon her, she replied that she had not. It is therefore the sentence of the court that the sheriff of Mobile County within the time prescribed by law convey the said Jane Robinson to the penitentiary of the State of Alabama, and deliver her into the custody of the warden or keeper thereof to be confined at hard labor therefor the term of ten years; and the defendant claiming an appeal to the next term of the Supreme Court to be held in the first monday of June next, the execution of this sentence is suspended until the eight day of August next

The of Alabama Mobile County } L.S. I, P. LaVergy Clerk of the City Court of Mobile hereby certify that the foregoing is is a full and complete transcript of the record of the proceedings had before said Court in the case of the State vs. Jane Robinson since said cause was reversed by the Supreme Court and remanded for further proceedings In witness whereof I hereunto set my hand and the seal of the Court this 2nd day of June A.D. 1871
P. LaVergy Clk

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The State vs Jane Robinson

June 5. 1871 Certiorari returned _ issued same day