

1 HJR178  
2 150015-2  
3 By Representatives Hall, Ball, McCutcheon, Sanderford,  
4 Johnson (W) and Patterson  
5 RFD: Rules  
6 First Read: 20-MAR-13

8 POSTHUMOUSLY COMMENDING JUDGE JAMES EDWIN HORTON,  
9 JR.

10  
11 WHEREAS, we posthumously honor Judge James Edwin  
12 Horton, Jr., with highest commendations; and

13 WHEREAS, an upright man, Judge Horton espoused  
14 meritorious characteristics that represented the heart of the  
15 justice system and how it is supposed to virtuously operate  
16 for the good of all United States citizens; and

17 WHEREAS, in 1933, Judge Horton displayed abounding  
18 integrity and fairness while presiding over the retrial of  
19 lead defendant, Haywood Patterson, in the Scottsboro Boys  
20 case; equipped with fortitude and a strong set of morals, he  
21 went against the grain of popular opinion and ordered a new  
22 trial for Haywood because he believed that the verdict was not  
23 supported by substantial evidence; his poignant instructions  
24 to the jury in the Patterson case, which were commemorated on  
25 a plaque in his old courtroom shortly after his death, are as  
26 follows: "So far as the law is concerned it knows neither  
27 native nor alien, Jew nor Gentile, black nor white. This case

1 is no different from any other. We have only to do our duty  
2 without fear or favor."; and

3                   WHEREAS, born January 4, 1878, in Tennessee, he was  
4 the son of James Edwin Horton, Sr., also a judge, and Emily  
5 Donelson Horton, who was the great niece of President Andrew  
6 Jackson; he earned a Bachelor of Arts Degree from Cumberland  
7 University in Lebanon, Tennessee, and a law degree from the  
8 Cumberland School of Law; he embarked upon his distinguished  
9 legal career clerking for his father before entering into  
10 private law practice; he served in both the Alabama House of  
11 Representatives and the Alabama Senate; in addition, he served  
12 as a chancery court judge and as a circuit court judge for two  
13 terms; he lost a third term as a circuit court judge because  
14 of his courageous, remarkable decision in the Patterson Case;  
15 afterward, he spent his life farming and practicing private  
16 law; he was married to Anna Hobbs Horton, and their union was  
17 graced with two sons, James Edwin Horton, III, and Donelson  
18 Branch Horton; and

19                   WHEREAS, through the years, Judge Horton earned  
20 immense respect for his tireless dedication and exceptional  
21 abilities; he left an inspiring legacy for many to cherish and  
22 emulate; now therefore,

23                   BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
24 HOUSES THEREOF CONCURRING, That Judge James Edwin Horton, Jr.,  
25 is posthumously honored and commended, and this resolution is  
26 offered to his family in highest tribute of his legacy and  
27 outstanding contributions.

