

1752

The State of Alabama,  
Baldwin County.

CIRCUIT COURT

*Spring Session* Term, 19*54*  
On Appeal from County Court.

THE STATE vs.

*Chester Smith*

The State of Alabama, by its Solicitor, complains of

*Chester Smith*

that

in said county and within twelve months before the commencement of this prosecution he did

*take, catch or kill or attempt to take, catch  
or kill an animal protected by the laws of  
this state with headlight or other artificial  
light and with a rifle or shotgun between  
sunset and daylight of the following day,*

contrary to law and against the peace and dignity of the State of Alabama.

*Kenneth Cooper*  
Solicitor.

No. 1752

STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT

THE STATE  
vs.

*Chester Smith*

CHARGE:

*Hunting At Night  
With Artificial Light*

COMPLAINT

Filed 3-1 19 54

*Arice J. ...*  
Clerk

AFFIDAVIT

1752

Printed by Moore Printing Co.

State Of Alabama, }  
Baldwin County. }

In the Justice Court of T. C. HAND

Before me, T. C. HAND, Justice of the Peace

in and for said County, personally appeared Homer Walter who, being  
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County,

on or about 20 Dec 1953 that one Chester Smith  
did take, catch, kill or attempt to take, catch  
or kill protected game at night with  
light and gun

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 20

day of Dec, A. D., 1953.

P. J. Land, J. P.

Homer S. Walter

WARRANT

State Of Alabama, }  
Baldwin County. }

To Any Lawful Officer of Said County, Greetings;

You are hereby commanded to arrest Chester Smith

and bring him  
before me to answer the State of Alabama on a charge

Hunting at night with Light &  
Gun.

and have you then and there this writ with your return thereon.

Witness my hand this 20 day of Dec, 1953.

P. J. Land, J. P.

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
Baldwin County.

JUSTICE COURT OF

T. C. HAND

**AFFIDAVIT**

The State of Alabama,  
vs.

*Chester Smith*

Witnesses for the State:

*Homer Walter  
Franklin Paul  
O. W. Walters  
Edward Rider*

Justice Court of  
Baldwin County

**Warrant of Arrest**

The State of Alabama,  
vs.

*Chester Smith*

Executed this *20* day of *Dec* 195*3*.

By arresting the within

named Defendant

and placing him

*in jail*

\_\_\_\_\_  
Sheriff

*Homer S. Walter*  
Deputy Sheriff

1752

did take, catch or kill or attempt to take, catch or kill an animal, to-wit, a deer, protected by the laws of this State with a headlight or other artificial light, and with a shotgun or rifle, between sunset and daylight of the following day, said act complained of being done in violation of rules and regulations duly promulgated by the Director of Conservation of the State of Alabama,

5641 1752

The State of Alabama, {  
Baldwin County.

Justice Court of T. C. HAND  
Precinct 4, Bay Minette, Ala,

To Any Sheriff of the State of Alabama:  
You are hereby Commanded to Summon

Walter S. Walters  
Franklin Paul, D. W. Walters, Deweed Rides

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the  
22 day of Dec, 1953, and from day to day of said term,  
and from term to term thereafter, until discharged, to give evidence and the truth to speak in behalf of  
THE STATE, in a prosecution now pending in said Court, wherein the State of Alabama is plaintiff and

Chester Smith

Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 21 day of Dec, A. D., 1953.

G. Hand  
Justice of the Peace

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Executed in full, this the

21 day of

Dec, 1953

Jay L. Wilkins

Sheriff

W. F. Hall

Deputy Sheriff

Appearance Bond

1752

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The State of Alabama, {  
Baldwin County

We, Chester Smith, as

principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of  
Two Hundred \$ 200<sup>00</sup> DOLLARS

unless the said Chester Smith appears at the  
Dec. 22 at 10-AM Term, 1953 of the Justices John Paul Court of Baldwin County, Alabama

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Hunting at night

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

\_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_\_

Chester Smith L. S.  
H. H. Steucky L. S.

\_\_\_\_\_ Baldwin County, Ala.

Taken and approved this the

\_\_\_\_\_ day of

1953

Jay W. Wilkins, Sheriff  
By \_\_\_\_\_, Deputy Sheriff



*Handwritten signature/initials*

No. ....

The State of Alabama,  
Baldwin County.

..... Court

Sheriff's Office

THE STATE

vs.

Sheriff's Appearance Bond

Amount of Bond, \$ .....

Filed ..... 195.....

....., Clerk

Appearance Bond 1752

Printed by Moore Printing Co.

The State of Alabama, {  
Baldwin County }

We, Chester Smith, as

principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of  
Three Hundred - - - - - DOLLARS

unless the said Chester Smith appears at the  
next Term, 1954 of the Circuit Court of Baldwin County, Alabama

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of  
Hunting At Night

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the  
\_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_\_

\_\_\_\_\_ Baldwin County, Ala.

Chester Smith L. S.  
Nannie B. Eadie L. S.  
J. B. Stewart L. S.  
Bill Brown L. S.

Taken (and approved this the \_\_\_\_\_ day of \_\_\_\_\_ 195\_\_\_\_\_

*Approved  
J. L. Mills  
Justice of Peace*

J. L. Mills, Sheriff

By Charles E. Shanker, Deputy Sheriff

This is a good and sufficient bond and if presented to me in my county I would accept it.

*D. L. Mills*  
~~\_\_\_\_\_~~ Sheriff

BY *Charles L. Shanks*

*Dependants Remands Trial  
by Jury.  
Chester Smith*

No. *5641*

The State of Alabama,  
Baldwin County.

\_\_\_\_\_ Court

Sheriff's Office

THE STATE

VS.

Sheriff's Appearance Bond

Amount of Bond, \$ \_\_\_\_\_

Filed \_\_\_\_\_, 195\_\_

\_\_\_\_\_, Clerk

THE STATE *of Alabama*  
PLAINTIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

VS

CHESTER SMITH  
DEFENDANT

Now comes the defendant and demurs to the complaint heretofore exhibited in this cause and as grounds therefor assigns the following:

1. That the affidavit upon which the complaint is based is void and charges no offense.
2. That the affidavit upon which the complaint is filed is fatally defective in that it is so uncertain and indefinite that it charges no offense.
3. ~~That said complaint fails to charge any offense known to the law.~~
4. That the complaint is defective as being so uncertain and indefinite that same charges no offense.
5. The acts of the defendant as set forth in the complaint do not constitute a violation of law.

*Horne & Webb*  
*Raymond G. Horne*  
\_\_\_\_\_  
ATTORNEYS FOR THE DEFENDANT

Filed 3-22-54  
A. J. G. G. G.

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1752

Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

Attorneys	Case	Charge
<i>Cooper</i>	THE STATE OF ALABAMA,	
No. <i>1641</i>	vs.	
<i>Horn.</i>	<i>Chester Smith</i>	<i>Hunting &amp; protected game at night.</i>

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to <i>Homer S. Walter</i>	Judge's Fees	
Returnable <i>Circuit Court</i>	Warrant at 50c, Affidavit at 25c	.75
Witness—for State <i>Homer S. Walter</i>	Bond at 50c, Sci Fa. at 50c	
<i>Franklin Paul</i>	Witnesses' Recognizances at 25c	
<i>S. W. Walter</i>	4 Subpoenas or notice at 25c	1.00
<i>Alwood Riker</i>	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	1.00
	Mittimus at 25c	.25
	Judgment on Forfeited Bond at 25c	
	Taking Bond, etc., on Appeal at \$1.00	1.00
	Execution of costs at 25c	
	Constable's Fees	
	Subpoena or Notice at 25c	
	Carrying Defendant before Justice	
	each mile for himself and guard at 10c	
	Arrest 50c	
	Sheriff's Fees	
	Arrest \$2.00, Bond \$1.00, Sci Fa. 50c	3.00
	Guard \$2.00, Finger Printing 10c	2.10
	Subpoenas at 50c Mileage	2.00
	Witness Fees	2.00
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	.50
	Days at 50c	
	Days at 50c	
	Defendant's Costs	
	Witnesses' Recognizance at 25c	
	Subpoenas at 50c	
	Executing Subpoenas	

22 Dec 53

After hearing evidence in case def. was found guilty and fined \$500 plus cost. Def requested appeal Circuit Court trial by jury. Bond set \$300.00 key being unable to make bond was ordered committed to jail by later dated bond.

*P. J. Laird*  
Justice of Peace

