

1748  
STATE OF ALABAMA,

PLAINTIFF,

VS

MARION HAROLD GATES,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CRIMINAL TERM

Comes the Defendant in said case and for demurrer to said complaint shows unto this Honorable Court, separately and severally as follows, to-wit:

1.

The affidavit on which the warrant is based is defective as being so uncertain and indefinite that same charges no offense.

2.

The acts of Defendant, as set forth in the affidavit, on which the warrant is based, do not constitute a violation of law.

3.

That the act complained of is not a crime under the allegations of said complaint.

4.

That the affidavit on which the warrant is based charges two offenses.

  
Attorney for the Defendant

Field Study  
10/10/19  
Ridge

STATE OF ALABAMA

PLAINTIFF,

VS

MARION HAROLD GATES

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CRIMINAL TERM.

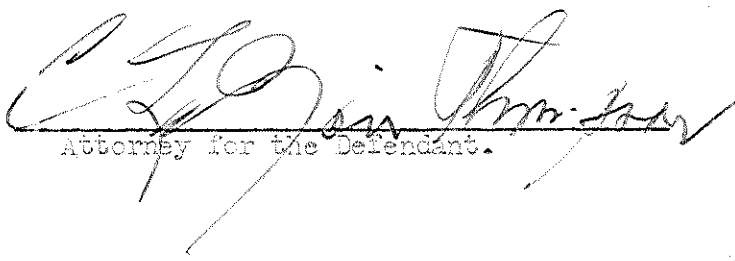
Comes the Defendant and moves this Honorable Court to quash the Solicitors complaint and as a basis for said motion says separately and severally:

1.

That the said Solicitor's complaint is a variance from the original affidavit in Justice Court.

2.

That the Solicitor's complaint states a new cause of action from said original affidavit issued in Justice Court.



Attorney for the Defendant.

File 3/22/54  
1000000  
RUBIN

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

We, Marion Hansen Bates, as  
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of  
Two Hundred DOLLARS  
unless the said Marion Hansen Bates appears at the  
next Term, 195 2 of the Grand Jury 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 exempt-  
ing personal property from levy and sale under execution or other process for the collection of debt by con-  
stitution 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.

Marion Hansen Bates L. S.  
M. Lynn Phillips L. S.  
J. W. Boone L. S.  
\_\_\_\_\_ L. S.

Taken and approved this the 22 day of Nov 195 2.

O. S. Hand, Sheriff  
By Justice G. Price, Deputy Sheriff

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

The State of Alabama,  
Baldwin County

*Grand Jury* Court

Sheriff's Office

THE STATE  
VS.

*Wm. J. ...*

Sheriff's Appearance Bond

Amount of Bond, \$ *2.00 00*

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

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

## AFFIDAVIT

Printed by Moore Printing Co.

1748

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 D. W. Walters 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 14 Nov. 1953, that one Archie Harold Gates  
did attempt to take possession of a protected game  
at night with light & gun

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 16

day of Nov, A. D., 1953.

J. P.

## WARRANT

State Of Alabama, }  
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Archie Harold Gatesand bring himbefore me to answer the State of Alabama on a charge

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

Witness my hand this 16 day of Nov, 1953.

J. P.

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

**The State of Alabama,**  
Baldwin County.

JUSTICE COURT OF

T. C. HAND

**AFFIDAVIT**

The State of Alabama,  
vs.

*Marion Harold Gotes*

Witnesses for the State:

*D. W. Walters*  
*Franklin Paul,*

*Not guilty*  
*[Signature]*

Justice Court of  
**Baldwin County**

**Warrant of Arrest**

The State of Alabama,  
vs.

*Marion Harold Gotes*

Executed this *14* day of *Nov* 195*3*

By arresting the within

named Defendant

and placing him

*On Bond*

*D. W. Walters* Sheriff  
*[Signature]*

Deputy Sheriff



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,

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## JURY LIST

SPRING TERM, MARCH 22nd, 1954

State  
V.  
Marion H. Bates

NO.	NAME	OCCUPATION	ADDRESS
1.	Howard Langham	Farmer	Luxley
2.	George Kaiser	Farmer	Foley
3.	Harry Riggs	Farmer	Lottie
<del>Franklin</del>			
4.	Francis Harrel	Farmer	Robertdale
5.	John J. Gallagher	Hotel	Fairhope
6.	Virgil Christensen	Florist	Foley
7.	R. Howard Vaughn, Jr.	SW Farmer	Robertdale
8.	Alfred M. Newman	Banker	Liberta
9.	Claud Lawrence	Butcher	Foley
10.	Ray Sargent	Lineman	Foley
11.	Charles W. Barnhill	Farmer	Robertdale
12.	John M. Norland	Nursery Business	Daphne
13.	R. H. Young	Merchant	Fairhope
14.	Chester A. Stapleton	Merchant	Ray Minette
15.	D. E. Nix	Carpenter	Robertdale
16.	Sims Parker	Farmer	Don Secour
17.	W. T. Caman	Merchant	Luxley
18.	Pink Greener	Barber	Fairhope
19.	Francis L. Irwin	Farmer	Foley
20.	Thomas W. Walters	Farmer	Foley
21.	Joe Hank Hank	Farmer	Silverhill
22.	W. H. Wallace Parker	Mill	Stockton
23.	Walter J. Davies	Oil Dealer	Robertdale
24.	J. R. Wilson	Chevrolet Dealer	Ray Minette
25.	J. Ernest Smith	Mechanic	Ray Minette
26.	Cecil Russell	Filling Station	Robertdale
27.	Vernon H. Gilbert	Defense	Foley
28.	Cecil Pittman	Real Estate	Fairhope
29.	Jessie M. Andrew	Telephone Oper.	Daphne
30.	Forest E. Warren	Farmer & Teacher	Fairhope
31.	Henry Pickett	Woodman	Ray Minette
32.	Harold Gilbert	Mechanic	Ray Minette
33.	P. M. Leatherwood	Clerk	Daphne
34.	John Beverly	Laborer	Robertdale
35.	Ray Robertson	Laborer	Foley
36.	Georg Pisk	Bookkeeper	Magnolia Springs
37.	Red Raby	Farmer	Raben
38.	S. Farmer	Contractor	Klausner
39.	Victor Haskin	Farmer	Silverhill
40.	Samuel McComb	Farmer	Liberta
41.	C. E. T. Powell	Farmer	Ray Minette
42.	Emmanuel Davidson	Salesman	Ray Minette
43.	Duford White	Clerk	Ray Minette
44.	Raymond J. Lewis	Clerk	Ray Minette
45.	Robert Lee	Laborer	Robertdale
46.	Jennings Evans	Farmer	I Foley
47.	Eugene Passmore	Brooklyn Field	Sunderdale
48.	A. Arthur Costa	Farmer	Belforest
49.	John Wilson	Farmer	Foley BFD
50.	Robert H. Haskin	Farmer	Fairhope
51.	Marion H. Bates	Mill	Stockton
52.	J. H. Caman	Merchant	Robertdale

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

Attorneys	Case	Charge
No. 5509	THE STATE OF ALABAMA, Vs. maison Harold Gates	/ Hunting at night

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to <i>S. W. walter</i>	Judge's Fees	
Returnable <i>Circuit Court</i>	Warrant at 50c, Affidavit at 25c	75
Witness—for State <i>S. W. walter</i>	Bond at 50c, Sci Fa. at 50c	
<i>Frank Paul</i>	Witnesses' Recognizances at 25c	
<i>23 Nov 52.</i>	<input checked="" type="checkbox"/> Subpoenas or notice at 25c	50
<i>after hearing evidence in case</i>	Continuance at 25c	
<i>def was found guilty and fined</i>	Trial of Misdemeanor at \$1.00	1.00
<i>\$50.00 plus cost.</i>	Mittimus at 25c	
<i>def appealed Circuit Court trial by jury.</i>	Judgment on Forfeited Bond at 25c	
<i>Bond set \$200.</i>	Taking Bond, etc., on Appeal at \$1.00	1.00
<i>my stated bond.</i>	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	
	Subpoenas at 50c, Mileage	
	Witness Fees	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Defendant's Costs	
	Witnesses' Recognizance at 25c	
	Subpoenas at 50c	
	Executing Subpoenas	

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Remedy of Criminal Cases in the Court of Sessions Criminal App

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