

1864
The State of Alabama,
Baldwin County.

CIRCUIT COURT

September

XXX, 1954

On Appeal from County Court.

THE STATE vs. W. H. NEAL

The State of Alabama, by its Solicitor, complains of W. H. Neal

that

in said county and within twelve months before the commencement of this prosecution he did
engage in the taking, killing or capturing or commercial or non-game fish from
the public impounded waters and navigable streams of the State of Alabama by the
use in such fishing operations of ~~lawful~~ ^{fishing gear to-wit} fish traps, without marking their location
by bouys or floats and identifying such traps by showing the license number in
plain figures upon the bouys or floats, and without any bouy or bouys bearing the
name and address of the owner,

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

Kenneth Cooper
Solicitor.

Aug 10

No. _____

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

THE STATE
vs.

W. H. NEAL

CHARGE:
USING UNMARKED FISHING GEAR.

COMPLAINT

Filed September 7 19 54

Accepted
Clerk

MOORE PTG. CO.

ever, the jury found
the defendant
not guilty as
charged in indictment
W. H. Neal
foreman

AFFIDAVIT

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1864
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 Fred Smith 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 10 Aug 1954 that one W. L. Neal

did take, place, put or attempted to take
place or kill, fish in that trap that was
unmarked & tagged and no license.

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 10

day of Aug, A. D., 1954

T. C. HAND, J. P. Fred Smith

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest

W. L. Neal and bring him

before me to answer the State of Alabama on a charge

unmarked fishing gear
of Commercial fisherman

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

Witness my hand this 10 day of Aug, 1954

T. C. HAND, J. P.

No. _____ Page _____

The State of Alabama,
Baldwin County.

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

The State of Alabama,
vs.

W. N. Neal

Witnesses for the State:

*Sunwood Rider
Webber Walter
Homer Walter
Fred Smith*

Justice Court of
Baldwin County

Warrant of Arrest

The State of Alabama,
vs.

W. N. Neal

Executed this 10 day of Aug 1954

By arresting the within

named Defendant

and placing him

On bond

Fred Smith Sheriff
Dart

Deputy Sheriff

1864

THE STATE OF ALABAMA

Baldwin County }

We,

W. H. Neal

agree to pay to the State of Alabama

\$100.00

Dollars,

unless the said

appear on the

10

day of

Aug

1954

in the Justice Court

of

Judge Howard

and from time to time thereafter

until discharged by law, to answer a criminal prosecution for the offense of

Shot trap.

unlawful killing game

and we hereby waive the benefit of all laws exempting property from levy and sale under execution or other process for collection of debt, by the Constitution and Laws of the State of Alabama, and we hereby severally certify that we have property free from all encumbrance, to the full amount of the above bond.

Approved this the

10

day of

Aug

1954

Fred Smith

Conservation Officer

By

Deputy Conservation Officer

W. H. Neal

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

The State of Alabama,
Baldwin County.

We, W. H. Neal, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Two Hundred DOLLARS
unless the said W. H. Neal 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

Unlawful Taking of Commercial Instrument
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 constitu-
tion 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.

Taken and approved this the 16 day of Aug, 1954

By [Signature] Sheriff
By [Signature] Deputy Sheriff

State

W. H. Neal,

1869

The Court charges the jury that no matter how strong be the facts, if they can be reconciled with the theory that some other person may have done the act, then the guilt of the defendant is not shown by the full measure of proof, which the law requires.

Give
Nelson
page

1866
The Court charges the jury that the burden is on the state to convince
you of defendant's guilt to the exclusion of every reasonable doubt, and by
evidence that overcomes the presumption of fact, that the law surrounds the
defendant with, that he is innocent of crime.

Handwritten signature
1866

1884
The Court charges the jury that the burden is upon the State, and it is the duty of the State, to show, beyond all reasonable doubt, and to the exclusion of every other reasonable hypothesis, every circumstance necessary to show that the defendant is guilty; and, unless the State has done that in this case, it is your duty, Gentlemen of the Jury, to render a verdict of not guilty.

*Done
10 minutes
Judge*

1864

The Court charges the jury that the burden is upon the state to show, beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstance necessary to show that the defendant is guilty; and, unless the state has done that in this case, it is your duty, gentlemen of the jury, to render a verdict of not guilty.

*For
Huntley
Jury*

1844

The Court charges the jury that the defendant enters into this trial with a presumption of innocence, and this is a fact in the case, which must be considered with all the evidence, and should not be disregarded.

The Court charges the jury that the legal presumption of innocence is to be regarded by the jury in every case as a matter of evidence, to the benefit of which the accused is entitled; and, as a matter of evidence, it attends the accused until his guilt is, by the evidence, placed beyond a reasonable doubt.

Wm. H. Miller

h 981

The Court charges the jury that the innocence of defendant is presumed until his guilt is established by the evidence in all the material aspects of the case beyond a reasonable doubt, to a moral certainty, and it may also be said that evidence of guilt must be strong and cogent, and, unless it is so strong and cogent as to show that defendant is guilty to a moral certainty defendant should be acquitted.

Guilty
1/11/11
JS

1864

The Court charges the jury that the legal presumption of innocence is to be regarded by the jury in every case as a matter of evidence, to the benefit of which the accused is entitled; and, as a matter of evidence, it attends the accused until his guilt is, by the evidence, placed beyond a reasonable doubt.

Given full
10 full
just

1864

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

Attorneys	Case	Charge
No. 6437	THE STATE OF ALABAMA, Vs. W. H. Neal	Unlawful fishing gear of Commercial fishermen.

	Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to <i>Thos. Smith</i>	Judge's Fees	
	Returnable <i>Circuit Court</i>	Warrant at 50c, Affidavit at 25c	.75
	Witness—for State <i>Sumwood, Rider.</i>	Bond at 50c, Sci Fa. at 50c	
	<i>Webster Walters.</i>	Witnesses' Recognizances at 25c	
	<i>Forner Walters.</i>	Subpoenas or notice at 25c	
	<i>Thos. Smith</i>	Continuance at 25c	
		Trial of Misdemeanor at \$1.00	1.00
		Mittimus at 25c	
		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	
		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	

16 Aug 04

after hearing evidence in case
 he was found guilty and
 fined \$50.00 plus cost.
 he appealed Circuit Court trial
 by jury. \$2.00
 paid for bond.
 by posted bond.

P. J. Land
Justice of Peace

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