

No. 18. The State vs Andrew J. Mathers

The State of Alabama }  
 Baldwin County } County Court.  
 Before me, Jas M. Valtz, Clerk of the Circuit Court and Ex officio  
 Clerk of the County Court of said County, in said State, Personally ap-  
 peared, W. Al Cooper, County Game Warden of Baldwin County who  
 being duly sworn according to law, doth depose and say that  
 he has probable cause for believing, and does believe that Andrew J.  
 Mathers did ship or transport within the State of Alabama 10 quail  
 and two doves which were not in the personal possession of  
 or carried openly by the owner thereof, all in violation of  
 section 42 of an act approved February 19, 1907, and that said  
 offense has been committed in said County and State by  
 the said Andrew J. Mathers within the last past 12 months  
 and before the making of this affidavit, against the peace  
 and dignity of the State of Alabama.

W. Al Cooper, Game Warden.

The above subscribed and sworn to before me this 4<sup>th</sup> day of  
 Dec. 1907,  
 Jas M. Valtz, Clerk of the Circuit Court  
 Ex officio Clerk of the County Court.

Filed this 4<sup>th</sup> day of Dec. 1907,  
 J. M. Valtz, Clerk County Court.

Warrant of Arrest

The State of Alabama }  
 Baldwin County } County Court.  
 To my lawful officer of the State of Alabama:  
 You are hereby commanded to arrest Andrew J. Mathers  
 and bring him before the judge of the County Court on the 17<sup>th</sup> day  
 of December, 1907 to answer the State of Alabama on a charge  
 of violating the Game Law preferred by W. Al Cooper  
 County Game Warden.

Witness my hand this 4<sup>th</sup> day of Dec. 1907,  
 J. M. Valtz, Clerk of the Circuit Court  
 Ex officio Clerk of the County Court.

Received Dec. 4. Executed Dec. 7 and released on bond  
 Dec. 7, 1907. J. A. Booth, Sheriff.

Bond.

The State of Alabama }  
 Baldwin County } County Court.  
 He, Andrew J. Mathers, defendant, and and

Agree to pay to the State of Alabama One hundred Dollars unless A. J. Mathers appears at the next term of the County Court at Bay Minette in Baldwin County, Alabama, and from day to day and from term to term thereof, until discharged by law to answer a Complaint against him in said Court, for the offense of violating Game Law. And we, and each of us hereby waive all rights to claim of exemption we or either of us have now or may hereafter have under the Constitution and Laws of Alabama and we hereby severally certify that we have property free from all incumbrances to the full amount of the above Bond.

Witness our hands and seals this 12 day of Dec. 1907.  
 Taken and approved 17 Dec 1907, } A. J. Mathers Seal  
 J. A. Booth Sheriff } James H. Byrd Seal  
 R. S. McPhaul Seal

Bond.

The State of Alabama }  
 Baldwin County } Circuit Court  
 vs. A. J. Mathis, Defendant and } and agree to pay to the  
 State of Alabama, One hundred Dollars unless A. J. Mathis appears  
 at the next term of the Circuit Court at Bay Minette, in Baldwin  
 County, Alabama, and from day to day and from term to term thereof  
 until discharged by law to answer a Complaint against A. J.  
 Mathis in said Court, for the offense of violating game Law.  
 And we, and each of us, hereby waive all rights to claim of  
 exemption we or either of us have now or may hereafter have  
 under the Constitution and Laws of Alabama, and we hereby severally  
 certify that we have property free from all incumbrance to the  
 full amount of the above Bond.

Witness our hands and seals this 17 day of Dec. 1907 }  
 A. J. Mathis Seal  
 G. B. Stapleton Seal  
 A. L. Sibbey Seal  
 R. D. McPhaul Seal

Taken and approved 17 Dec 1907  
 J. A. Booth Sheriff

The State of Alabama }  
 Baldwin County } Circuit Court  
 Spring Term 1908.

Organization of Court & Grand Jurors.

Be it remembered that a Court was begun and held for the County of Baldwin, State of Alabama, on the Fourth Monday in March, 1905, the same being the 22<sup>nd</sup> day of the Month; His Honor Saml B Brown Judge presiding also were present the Clerk of said Court and the Sheriff of said County when the following proceedings were had: And now comes Thomas A Booth Sheriff of said County and returns into Court his venue facias served upon the following good and lawful men who had been duly and regularly drawn in accordance with law to serve as Grand Jurors at the present term of the Circuit Court to wit: R. L. Yulle Jr., H. M. Slaughter, Curie Stapleton, F. L. Ferguson, W. C. Minwiddie, Chas. F. Swan, W. D. Cleverdon, L. C. McPherson Hector Smith, H. M. Gilly, H. C. Staples, E. H. Strong, Theo. A. Johnson, J. B. Vaughn, Geo. H. Stagle, G. M. Hayes, J. H. Underwood, E. H. Hatters and Joseph Hengel, all of whom answered to their names except H. M. Slaughter, Hector Smith and Theo. A. Johnson and proof having been made to the satisfaction of the Court that the said H. M. Slaughter Hector Smith and Theo. A. Johnson have good and sufficient excuse for their non attendance, it is ordered by the Court that they be and are excused. And the following of said persons so summoned to serve as Grand Jurors were then duly examined as to qualification by the Court, and were then duly and legally empanelled, sworn and charged by the Court, W. C. Minwiddie having been appointed and sworn by the Court as foreman of said Grand Jury: R. L. Yulle Jr., Curie Stapleton, F. L. Ferguson, Chas. F. Swan, W. D. Cleverdon, L. C. McPherson, H. M. Gilly, H. C. Staples, E. H. Strong, J. B. Vaughn, Geo. H. Stagle, G. M. Hayes, J. H. Underwood, E. H. Hatters and Joseph Hengel, and the said Grand Jury then retired under the charge of Walter H. Selley who had been duly appointed and sworn by the Court as Bailiff to said Grand Jury.

And said Grand Jury among other indictments returned the following:

Indictment.

The State of Alabama, Baldwin County, )	Circuit Court, Spring Term, 1905
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The Grand Jury of said County charge that before the finding of this Indictment Andrew Mathes did unlawfully ship or transport within the State of Alabama ten (10) Quail, being protected by the laws of said State, and the said Quail not being in the personal possession of the said

Andrew J. Matheo,

2. And said Grand Jury further charge that, before the finding of this indictment, Andrew J. Matheo did ship or transport within the State of Alabama Ten (10) Quail and two (2) doves which were not in the personal of or carried openly by the owner thereof against the peace and dignity of the State of Alabama.

James N. Granade,  
Solicitor of the Thirteenth Judicial Circuit

No Prosecutor.

A true Bill

W. L. Linvoldie  
Foreman of the Grand Jury

Witnesses: Milton Alcega, R. E. Spaley, Jim Porterfield.

Filed in open Court 27<sup>th</sup> day of March, 1908,  
J. M. Valtz, Clerk

Endorsed;

Demurrers.

State

vs

Andrew J. Matheo

Comes the defendant and demurs to the indictment in this cause fails to charge any offense.

1<sup>st</sup>. The indictment fails to allege when the offense was committed.

2<sup>nd</sup>. The indictment fails to allege that the said offense was committed after the date of the approval of the Act of 1907 for the protection of game.

3<sup>rd</sup>. It fails to allege that the game was killed in this State. And for demurs to the 2<sup>nd</sup> Court, same charges no offense.

Leslie Hacc, atty for deft.

Filed April 1<sup>st</sup> 1908,  
J. M. Valtz, Clerk

Organization of Court and Grand Jury.

The State of Alabama,  
Baldwin County

Circuit Court,  
Fall Term, 1908

Be it remembered that a Court was begun and held for the County of Baldwin, State of Alabama, on the fourth Monday in October, 1908, the same being the 26<sup>th</sup> day of the Month; His Honor Saml B. Browne, Judge presiding also were present the Clerk of said Court and the Sheriff of said County when the following proceedings were had:

And now comes Thomas A. Booth, sheriff of said County and returns into Court his venire facias served upon the following good and lawful men who had been duly and regularly drawn in accordance with law to serve as Grand Jurors at the present term of the Circuit Court to wit: G. S. Tompkins, P. M. McAdams, John Mobley, J. T. Bradley, Chas Head, James Byars, Jos Semmear, M. C. Underwood, Oscar Johnson, J. D. Group, Thos Hadley, H. B. Gunn, G. B. Childress, J. H. Thomley, A. Merston, G. R. Suarez, J. P. Lipscomb and Tillman Lambert. All of whom answered to their names except M. C. Underwood and proof having been made to the satisfaction of the Court that the said M. C. Underwood had a good and sufficient excuse for his non attendance, it is ordered by the Court that he be and is excused. It is further ordered by the Court that P. M. McAdams (who was present in Court) be and he is excused upon a sufficient excuse being rendered. And the following of said persons so summoned to serve as Grand Jurors were then duly examined as to qualification by the Court, and were then duly and legally empanelled, sworn and charged by the Court, J. T. Bradley having been appointed and sworn by the Court as Foreman of said Grand Jury; G. S. Tompkins, John Mobley, Chas Head, James Byars, Jos Semmear, Oscar Johnson, J. D. Group, Thos Hadley, H. B. Gunn, G. B. Childress, J. H. Thomley, A. Merston, G. R. Suarez, J. P. Lipscomb, and Tillman Lambert. And the said Grand Jury then retired under the charge of M. C. Booth, who had been duly appointed and sworn by the Court as Bailiff to said Grand Jury.

And the said Grand Jury among other indictments returned the following:-

Indictment

The State of Alabama, } Circuit Court,  
 Baldwin County } Fall Term, 1908.

The Grand Jury of said County charge that, before the finding of this indictment Andrew Mathes did unlawfully ship or transport within the State of Alabama, in the County of Baldwin, ten (10) quail, being protected by the laws of said State and the said quail not being in the personal possession of the said Andrew Mathes, all of which occurred subsequent to the approval of the Act of February 19, 1907, and subsequent to the 19th day of February, 1907, Against the peace and dignity of the State of Alabama.

James N. Franade, Solicitor of the District

Endorsed;

No. 19. The State vs. A true bill,

J. T. Bradley,  
Foreman of the Grand Jury.

Witnesses: Milton Cooper, R. E. Cooley, Jim Porterfield.

Filed in open Court 30<sup>th</sup> day of October, 1908  
J. M. Valtz, Clerk.

Removers,

State

vs.  
Andrew J. Mathes

Defendant demurs to the indictment  
1<sup>st</sup> Because said indictment fails to  
allege that said offense was committed  
after the act under which same is drawn went into  
effect.

Trans S Stone &  
Leslie Hall,

Attys for Defendant

Filed March 31<sup>st</sup> 1909  
W. Hall, Clerk

affidavit

No. 19. The State vs. John E. Smith.  
The State of Alabama, }  
Baldwin County } County Court.

Before me, Jas M. Valtz, Clerk of the Circuit Court and  
ex officio Clerk of the County Court of said County, in said State  
personally appeared Ed S. Miller who being duly sworn accord-  
ing to law, doth depose and say that he has probable cause  
for believing, and does believe that John E. Smith assaulted and  
beat the affiant, the said Ed S. Miller, and that said offense  
has been committed in said County and State by the said John E.  
Smith within the last past twelve months and before the making  
of this affidavit, against the Peace and Dignity of the State of  
Alabama.

Ed S. Miller

The above subscribed and sworn to before me this  
18<sup>th</sup> day of May, 1908.

Jas M Valtz, Clerk of the Circuit Court  
ex officio Clerk of the County Court.

Filed this 18<sup>th</sup> day of May, 1908.  
J. M. Valtz, Clerk.