

class of people. Contrary to more or less popular belief, it is not confined to old-time violators, who have successfully resisted all our efforts to change their ways and make them conservationists.

Education in itself is not the answer to conservation law violations. For example, on our highways, in spite of all the warning signs, grisly photographs, TV shows and lectures on the subject of traffic safety, we continue to kill and maim more of our people on our highways than ever before in history. It is the jail sentence and the loss of one's driver's permit that stops the drunken and reckless driver in his tracks. The same holds true with game and fish law violators. Strict enforcement, followed by court action with heavy fines, jail sentences and forfeiture of hunting and fishing licenses and the equipment used in the violations, have made more conservationists than all methods used.

True sportsmen have no objections to strict enforcement of the game and fish laws, in fact, the true sportsman will resent the laws not being enforced. Very few confirmed violators read conservation releases and attend conservation meetings. Their education in violations, generally begins as a boy, when with their Dad, they operated illegal fish traps, kill fawn and doe deer and trap wild ducks. So you can expect these boys to grow into manhood as game law violators.

I believe that with our fine state conservation departments working together as a unit such as this Southeastern Organization, and by forming a solid front that will tend to better protect our wildlife and fish, and will better solve our conservation problems.

Thank you, gentlemen.

## THE JUSTICE OF THE PEACE COURT AND ITS JURISDICTION IN GAME AND FISH CASES

By T. C. HAND  
*Justice of the Peace*  
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The Justice of the Peace Courts of Alabama have been cussed, discussed and ridiculed, more than any other court in the United States except the U. S. Supreme Court. But I have found when trouble strikes home the Justice Courts are the first ones to be called on.

This reminds me of an old Justice of the Peace who did not even have a Justice Code Book. To lend Authority to his court he covered a Sears-Roebuck Catalogue and had embossed Justice in Gold letters across the front. A defendant and his attorney appeared for trial and after hearing the evidence in the case, he opened his Justice Book and said, "I find you guilty and set your fine at \$4.98 plus cost. The defendant rose to protest as his lawyer pulled him down, saying, "Be quiet. Supposed he had opened that book at the wagon and buggy section!"

The Justice Courts have endeavored to work with the Conservation Department in violation of game and fish cases. We have trouble in Baldwin County with illegal electrocution of fish, outlawed fishing boxes and hunting protected game at night. To wit: deer.

There are a lot of cases where the Conservation Officer can bring a man into court at the time of arrest and he will enter a Plea of Guilty. Justice Courts are contactable 24 hours a day for any arrest the Department may have made.

If there were no Justice Courts in Alabama, I have been told by the Conservation Officers, it would work a hardship on him in the carrying out of their duties. Night hunting and electrocution of fish are two of the most uncalled for offenses we have to deal with in Baldwin County.

In Mobile County some time ago, some Conservation Officer came upon a white man riding on top of a car driven by his wife. He was holding a gun loaded with buckshot. When asked what he was doing up there he stated his wife ran him out of the car and he had to ride up there. He was charged with Hunting Protected Game at Night and was convicted of the offense.

Some time ago a Conservation Officer of Baldwin County came across a Negro man in the woods with a turkey hen. The Conservation Officer asked him what he was going to do with the turkey. "Mr. Game Warden, Ah aint rightly made up me mind." The Conservation Officer said, "Well, what ever you do to that turkey I am going to do to you. If you chop its head off, I am going to chop your's off. If you choke her to death, I am going to choke you to death." "Well, Boss, if you shoe you gaw'n do to me what I do to this turkey, I'se gaw'n kiss its rear end and turn it loose!"

That, Gentlemen, is what I am going to do—turn you loose, with a reminder that the Justice Courts are ready and willing to assist all law enforcement officers 24 hours a day when called on to do so.

## THE DUTIES OF THE PROSECUTING ATTORNEY IN GAME AND FISH CASES

By KENNETH COOPER

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The manner in which the Prosecuting Attorney presents the State's case in game and fish violations probably has more effect towards respect for game and fish laws than most any other factor. If the prosecution is merely to punish the defendant then were it better that the prosecution was never begun. For out of the prosecution of any case, be it for game and fish violation, or any other type of prosecution, must come a willingness, not only on the part of the defendant, but from all game and fish sportsmen, to abide by the laws protecting our game and fish. They must be made to feel that the laws are for their own good.

Why is a prosecution ever begun? Obviously it is because some individual has failed to do some act required of him, or he has done some act prohibited by the game and fish laws. Regardless of whether the act is one of omission, or one of commission, the game and fish wardens has detected the violation and made an arrest. Of course, no individual gets any delight out of being arrested, even if he is permitted to sign his own appearance bond. So one of the first duties to be determined by the prosecuting attorney is whether the violation was knowingly or unknowingly committed. But this determination cannot always be easily ascertained. In most instances the defendant will not be available to talk to until he appears in court with his attorney for the trial. Therefore, the prosecuting attorney must get his facts as completely as possible from the arresting officer, who is usually a game and fish warden. It is from the game warden that the prosecuting attorney must lay the cornerstone for the State's case. Having ascertained whether the violation is one of omission, or commission, the prosecutor is then ready to take the next step in the prosecution, that of organizing his case for trial.

It makes little difference how much evidence the game warden has gathered, if the prosecuting attorney does not properly organize the facts in the case he will lose it. It is a fundamental rule that "out of the facts the law arises." If it appears that the alleged violation has come about through omission to perform a particular act, such as failure to mark a fish slap trap box, the prosecutor should be prepared to take a minimum penalty rather than insist on an all-out prosecution for the maximum sentence and risk losing the case entirely. Most violators will not resent a reasonable penalty for a first violation if the State's representatives, which include both the game warden and the prosecuting attorney, are reasonable in their demands. It is a pretty safe assumption that most all judges, whether Justices of the Peace, county judges, or Circuit or District judges, will go along with the State's recommendations. The prosecutor by all means should discuss such recommendations with the game warden before making his recommendations to the Court. It is his duty to take the game warden into his confidence.