

EMANUEL CLIKAS

PETITIONER

VS

HERNDON H. WILSON,  
Recorder of the City  
of Mobile, Alabama,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

No 4347

Upon reading and considering the verified Petition or Complaint for Mandamus, it is my opinion that the Petitioner or Plaintiff is entitled to the issuance of the Alternative Writ of Mandamus as therein prayed. The Clerk will, therefore, issue an Alternative Writ of Mandamus as prayed for in said petition returnable to the Circuit Court of Baldwin County, Alabama, at 2 P.M. on the 21 day of August, 1958.

Done this 18th day of August, 1958.

Robert M. Hall  
Circuit Judge

EMANUEL CLIKAS

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Done this 18th day of August, 1958.

\_\_\_\_\_  
Circuit Judge

VICE & DICK 589901  
AUG 18 1958  
FILED

*1/13/58*

EMANUEL CLIKAS

PETITIONER

VS

HERNDON H. WILSON,  
Recorder of the City  
of Mobile, Alabama,

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW

ALTERNATIVE WRIT OF MANDAMUS

TO HERNDON H. WILSON, RECORDER OF THE CITY OF MOBILE, ALABAMA:

Whereas Emanuel Clikas has filed in this Court and presented to the Honorable Hubert M. Hall, a petition for an Alternative Writ of Mandamus commanding and ordering, as is hereinafter set forth, and the said Judge of said Court has ordered the issuance of the Alternative Writ so prayed for;

You are hereby ordered and commanded to forthwith approve and accept the bond of Emanuel Clikas, which is returnable to the Circuit Court of Baldwin County, Alabama, on his appeal from your Court for violation of Section 8 of the License Code of the City of Mobile adopted on to-wit, December 24, 1954, by doing business of selling liquor at retail within the police jurisdiction of the City of Mobile without having procured a license therefor; or else to appear before this Honorable Court on the 21 day of Aug, 1958, at 2:00 P.M. o'clock and show cause why you should not do so.

Witness my hand this 18 day of Aug, 1958.

Richard J. Newell  
Clerk of the Circuit Court

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to serve a copy of the foregoing Alternative Writ of Mandamus on Herndon H. Wilson, Recorder of the City of Mobile, Alabama.

Witness my hand this 18 day of Aug, 1958.

Exp. Aug. 18, 1958

Richard J. Newell  
Clerk of the Circuit Court of Baldwin  
County, Alabama.

MANDAMUS

EMANUEL CLIKAS	Ø	
PETITIONER	Ø	IN THE CIRCUIT COURT OF
VS	Ø	BALDWIN COUNTY, ALABAMA,
HERNDON H. WILSON, Recorder of the City of Mobile, Alabama,	Ø	AT LAW
RESPONDENT	Ø	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now Emanuel Clikas and respectfully represents and shows unto Your Honor as follows:

1.

That your Petitioner owns and operates a business in Baldwin County, Alabama, known as the Bay Breeze.

2.

That the City of Mobile is a municipal corporation; that its corporate limits or "city limits" lie wholly in the bounds of Mobile County, Alabama.

3.

That your Petitioner was tried before the Honorable Herndon H. Wilson, Recorder of the City of Mobile, Alabama, on August 1, 1958, for violation of Section 8 of the License Code of the City of Mobile adopted December 24, 1954, by doing business of selling liquor at retail within the police jurisdiction of the City of Mobile without having procured a license therefor.

4.

That your Petitioner was found guilty of the above said offense in the Recorder's Court and from this finding your Petitioner has made an appeal; that he made a bond in the amount set by the said Recorder; that the Recorder, Herndon H. Wilson, refused to accept and approve this bond solely because it was made returnable to the Circuit Court of Baldwin County, Alabama.

5.

Your Petitioner shows unto the Court that the cause tried by the Recorder is criminal in its nature and that he is entitled to be tried in the county where the offense occurred. Your Petitioner further avers that the City of Mobile maintains that it has police jurisdiction of the area in Baldwin

County where the Petitioner's business, known as the Bay Breeze, is located.

Assuming the position of the City of Mobile to be true, your Petitioner should be tried in the Baldwin County Court. Title 37, Section 587 of the 1940 Code of Alabama as amended provides: "Where the city is situated within two or more counties, the appeal shall lie to the Circuit Court of the county where the transaction involved in the case took place".

WHEREFORE, the premises considered, Your Petitioner respectfully prays that Your Honor will grant an alternative Writ of Mandamus or a rule nisi, directed to Herndon H. Wilson, as Recorder for the City of Mobile, Alabama, returnable to the Circuit Court of Baldwin County, Alabama, ordering and commanding the said Herndon H. Wilson as such recorder to forthwith approve the appeal bonds made by Emanuel Clikas or to appear at a time to be designated by your Honor and show cause why he should not do so; and your Petitioner prays for such other further or different relief, orders and judgments to which he may be entitled under the facts above alleged.

EMANUEL CLIKAS

BY:

Tolbert M. Brantley  
His Attorney

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn Watts, a Notary Public, in and for said County, in said State, personally appeared Tolbert M. Brantley, one of the attorneys for Emanuel Clikas, whose name is signed to the foregoing petition and who is known to me, and who upon oath deposes and says that the facts stated in said petition are true and correct and that he is authorized to make this affidavit.

Tolbert M. Brantley

Sworn to and subscribed before me this 6th day of August, 1958.

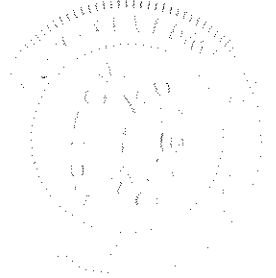
Evelyn Watts  
NOTARY Public, Baldwin County, Alabama



*Filed*  
*Aug. 6, 1958*

*Exp. Aug. 18, 1958*

205-4347



EMANUEL CLIKAS  
PETITIONER  
VS  
HERNDON H. WILSON, RECORDER  
OF THE CITY OF MOBILE, ALA.  
RESPONDENT

MANDAMUS

FILED  
AUG 6 1958

ALICE J. DUCK, Register

Received \_\_\_\_\_ day of \_\_\_\_\_ 1958  
and on \_\_\_\_\_ day of \_\_\_\_\_ 1958  
I served a copy of the within mandamus  
on Herndon H. Wilson  
Recorder of the City of  
Mobile, Ala.  
by Taylor Wilkins, Sheriff  
Emmanuel Clikas