

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs	)	FALL TERM, 1960
GEORGE C. WILKINSON,	)	
Defendant	)	NO. _____

DEMURRER

Comes the Defendant in this cause and demurs to the indictment and to each and every count thereof separately and severally and as grounds of demurrer sets down and assigns the following separate and several grounds, to-wit:

1. For that the said count does not charge a violation of the law.
2. It does not appear that the alleged contract was for an illegal transaction.
3. For that the securities laws do not apply to private sales of securities and it affirmatively appears the alleged contract described in such count was a private contract.
4. For aught that appears the alleged contract was a contract for the sale of securities on behalf of a vendor not the issuer or underwriter thereof who, being the owner thereof, was disposing of his own property for his own account.
5. It affirmatively appears that the transaction referred to was an exempt transaction under Section 5 of Title 53, Code of 1940 and the provisions of the securities laws did not apply thereto.
6. It does not appear that any Bayside Motel Corporation common stock was sold.
7. For it does not appear that any promissory notes were delivered, or any stock, registered or otherwise, was sold or delivered in February, March or September 1959, nor

that any violation of the Securities Laws was made at any time.

8. For that said count charges an act which might be either legal or illegal and does not aver any facts from which the Defendant would be informed that the act charged was, by virtue of the facts, made an illegal rather than a legal act.

9. For at best, indulging all inferences favorably to the State, said count charges that during February 1959 Amon Jones delivered to the Defendant two checks payable to Bayside Motel Corporation for a total of \$15,000.00 in exchange for Defendant's promise to deliver to Jones two promissory notes uttered approximately 33 days later respectively by Bayside Motel Corporation and Baldwin Mortgage Company, one due on demand from Bayside Motel Corporation and one due six months from date by Baldwin Mortgage Corporation, and that he, George Wilkinson, would purchase from Jones or exchange with Jones the notes due to Jones for common stock of Bayside Motel Corporation. And it further charges that at that time, viz: September 23, 1959, the common stock proposed to be exchanged by Wilkinson with Jones for the notes had been admitted to record with the Securities Commissioner. And under these facts it does not appear that any stock of Bayside Motel Corporation was either uttered by such corporation or sold or delivered at any time whether the same stock was or was not registered stock.

10. For at best, indulging all inferences favorably to the State, said count charges that during February 1959 Amon Jones delivered to the Defendant two checks payable to Bayside Motel Corporation for a total of \$15,000.00 in exchange for defendant's promise to deliver to Jones two promissory notes uttered approximately 33 days later respectively by Bayside Motel Corporation and Baldwin Mortgage Company,

one due on demand from Bayside Motel Corporation and one due six months from date by Baldwin Mortgage Corporation, and that he, George Wilkinson, would purchase from Jones or exchange with Jones the notes due to Jones for common stock of Bayside Motel Corporation. And it further charges that at that time, viz: March 23, 1959, the common stock proposed to be exchanged by Wilkinson with Jones for the notes had been admitted to record with the Securities Commissioner. And under these facts it does not appear that any stock of Bayside Motel Corporation was either uttered by such corporation or sold or delivered at any time whether the same stock was or was not registered stock.

11. For at best, indulging all inferences favorably to the State, said count charges that during February 1959 Amon Jones delivered to the Defendant two checks payable to Bayside Motel Corporation for a total of \$15,000.00 in exchange for Defendant's promise to deliver to Jones two promissory notes uttered approximately 33 days later respectively by Bayside Motel Corporation and Baldwin Mortgage Company, one due on demand from Bayside Motel Corporation and one due six months from date by Baldwin Mortgage Corporation, and that he, George Wilkinson, would purchase from Jones or exchange with Jones the notes due to Jones for common stock of Bayside Motel Corporation. And it further charges that at that time, viz: February 18, 1959, the common stock proposed to be exchanged by Wilkinson with Jones for the notes had been admitted to record with the Securities Commissioner. And under these facts it does not appear that any stock of Bayside Motel Corporation was either uttered by such corporation or sold or delivered at any time whether the same stock was or was not registered stock.

12. For aught that appears the common stock of Bayside Motel Corporation contracted to be sold was not stock required

to be admitted to record and recorded in the register of qualified securities of the State Securities Commissioner.

13. For that it does not appear that any security was sold directly or indirectly to any person.

14. For said count does not inform the Defendant of the nature and cause of the accusation against him as required by Section 6 of the Constitution of Alabama.

15. For that it is not possible to ascertain whether the language used in the indictment and the words as there used are used in their common and ordinary sense or in the special sense with which such words are defined by the Securities Act of Alabama in force at the time charged, and Defendant cannot ascertain what he himself is charged with having done, or whether he is charged with having done the acts alleged in his own proper person, or by others inasmuch as the statutory words "Sale" or "Sell" include a "contract to sell" or "an attempt to sell", and "option of sale" a "solicitation of a sale" or an "offer to sell" directly, or by agent, or "otherwise".

16. The count is so vague, indefinite and uncertain as to fail to inform the Defendant what he is called upon to defend against.

17. There is a misjoinder of causes of action in the indictment.

18. For that counts of the indictment allegedly charging felonies are improperly joined with counts of the indictment allegedly charging misdemeanors.

19. For aught that appears the common stock referred to in such count is stock exempt from record and registration in the office of the State Securities Commissioner of Alabama.

20. For that the Securities Acts of Alabama do not apply to private sales of stock and aught appearing the same referred to are private sales or contracts for such.

21. Said count fails to inform the Defendant to whom the alleged stock were contracted to be sold.

22. Said count fails to inform Defendant with reference to a charge he did contract to sell stock, to whom the stock belonged, to whom it was offered, what amounts of stock were involved or any other detail to identify the transaction to which the indictment relates as to place, persons, things and other details and thus to enable defendant to reasonably understand the nature of the offense charged and the particular act or acts touching which he must be prepared with proof.

23. The court fails to inform the Defendant what is alleged to be the contract to sell stock allegedly dealt in contrary to law.

24. For aught that appears the stock which Defendant is alleged to have been concerned with in such count was stock contracts to sell which were exempt under Section 4, Title 53, Code of 1940 as amended.

25. Said count fails to charge the act denounced was an act done in Baldwin County.

26. Said count fails to inform the Defendant the person with whom such contracts to sell stock were negotiated.

27. For aught that appears the stock referred to in such count is not stock required to be admitted and recorded in the register of qualified securities in the office of the State Securities Commissioner of Alabama.

28. Aught appearing the sales were sales to a corporation not embraced within the prohibitory provisions of Title 53, Code of 1940.

29. Aught appearing the contracts referred to

in the count are not contracts made within the State of Alabama.

30. For that as a matter of law it is not a crime for one to sell his own stock and aught appearing the contracts for sale of stock made by Defendant were sales of his own stock, for which the law does not require registration.

31. For aught that appears no contract for sale charged in this count of the indictment is a contract to sell "for value."

32. For aught that appears from said count there is no contract to sell stock charged to have been made in this state to a person in this state.

33. For aught that appears the Defendant was not a dealer in stocks and had a right to sell his own stock.

34. For it is not alleged whose stock was involved in the Amon Jones transaction.

35. For aught that appears the act done was not an act willfully done.

36. For that the same fails to specify what common stock was to be sold, to whom it belonged, to whom it was to be sold, where it was to be sold, and otherwise fails to inform the Defendant of the acts, transactions or occurrences charged to the Defendant which are alleged to have been acts constituting a violation of the law.

37. For that said count fails to inform the Defendant whether the stock contracted to be sold was stock to be uttered by or issued by Bayside Motel Corporation or stock belonging to Bayside Motel Corporation, or belonging to Defendant or to others and fails to inform

the Defendant precisely in what such stock to be sold consisted.

38. The allegations that the Defendant did contract to sell stock does not charge with definiteness an act done by the Defendant alleged to be within the meaning of the word "sell".

39. For aught that appears the Defendant contracted to sell his own property.

40. For aught that appears the offense charged is based from prosecution in the title of the indictment.

[Signature]
ATTORNEY FOR DEFENDANT

FILED

SEP 28

ALICE L. DUCK, CLERK
REGISTER

the defendant precisely in what such stock to be sold
constituted.

38. The allegations that the defendant did
contract to sell stock does not charge with definite-
ness an act done by the defendant alleged to be within

the meaning of the word "sell".
39. It is suggested that the defendant contracted

to sell his own property.

FILED
SEP 28 1960
AUG 1, 1960
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REGISTER

7-11-60
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7-11-60

STATE OF ALABAMA,

PLAINTIFF

VS.

GEORGE C. WILKINSON,

DEFENDANT

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) NO. _____

D E M U R R E R

Comes now the State of Alabama, by and through its Attorney General, MacDonald Gallion, and without waiving the motion to strike heretofore filed in this cause, demurs to the plea in abatement heretofore filed by the defendant, and as grounds for said demurrer, sets down and assigns the following, separately and severally:

1. For that it affirmatively appears that the allegations of said plea are not sufficient in law to abate the prosecution of this cause.

2. For that it affirmatively appears that said plea does not sufficiently allege that the prosecution pending in the Circuit Court of Mobile County, Alabama is the same in law and fact as the prosecution pending before this Honorable Court.

3. For that it affirmatively appears that the prosecution pending in the Circuit Court of Mobile County, Alabama charges the defendant with selling the common stock of Bayside Motel Corporation, an Alabama Corporation, when he was not registered as a securities dealer or salesman in the office of the Alabama Securities Commission, which said charge is based upon the provision of Title 53, Section 21, Code of Alabama 1940; that it affirmatively appears that the prosecutions pending before this Honorable Court charges in substance that defendant contracted to sell the common stock of Bayside Motel Corporation, an Alabama Corporation, which said common stock had not then been admitted to record and recorded in the register of qualified securities of the State Securities Commission of Alabama, which said charge is based upon the provisions of Title 53, Section 7, Code of Alabama 1940.

4. For that the allegation that the prosecution in this Court is a prosecution pending herein for the same act and things, and on the same charge for which the defendant is presently being prosecuted (with other related charges) in the Circuit Court of Mobile County, Alabama, does not sufficiently allege that the prosecutions are the same in fact.

5. For that the allegation that the prosecution in this Court is a prosecution pending herein for the same act and things, and on the same charge for which the defendant is presently being prosecuted (with other related charges) in the Circuit Court of Mobile County, Alabama, does not sufficiently allege that the prosecutions are the same in law.

6. For that the allegation that the prosecution in this Court is a prosecution pending herein for the same act and things, and on the same charge for which the defendant is presently being prosecuted (with other related charges) in the Circuit Court of Mobile County, Alabama, does not sufficiently allege that the prosecutions are the same in law and fact.

7. For that the allegation that the prior commenced prosecution involves the same act or things for which this defendant is sought to be prosecuted in this Court in this cause on the indictment returned herein does not sufficiently allege that the prosecutions are the same in fact.

8. For that the allegation that the prior commenced prosecution involves the same act or things for which this defendant is sought to be prosecuted in this Court in this cause on the indictment returned herein does not sufficiently allege that the prosecutions are the same in law.

9. For that the allegation that the prior commenced prosecution involves the same act or things for which this defendant is sought to be prosecuted in this Court in this cause on the indictment returned herein does not sufficiently allege that the prosecutions are the same in law and fact.

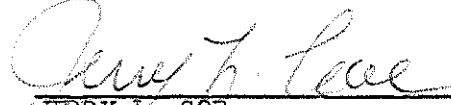
10. For that it affirmatively appears on the face of said plea and the exhibits attached thereto that the prosecution pending in the Circuit Court of Mobile County Alabama is totally different in law and facts from the instant cause.

Respectfully submitted

MACDONALD GALLION

ATTORNEY GENERAL

By:



JERRY L. COE

ASSISTANT ATTORNEY GENERAL

RECEIVED
JUL 1 1964
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

MAILED JUL 1 1964

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[Signature]
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FILED
SEP 22 1960
ALICE J. DUCK, Clerk

9/22/60
Alice J. Duck
1000th Ave

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
	)	
vs	)	FALL TERM 1960
	)	
GEORGE C. WILKINSON,	)	
	)	
Defendant	)	

ORDER OVERRULING AND DENYING
DEFENDANT'S PLEA IN ABATEMENT

This date having been set by the Court to hear and determine on its merits the plea in abatement of the cause filed here by defendant on the issue joined between the State and Defendant on such plea and the replication filed thereto by the State and the cause being submitted for determination of such plea to the Court sitting without a jury, the Court proceeds to hear the same.

The parties offer in evidence the Certified transcript of the Mobile proceedings attached to the plea, the indictment returned here by the Grand Jury for Baldwin County for the Fall Term of 1960 and the stipulation in lieu of evidence on trial entered into by the parties.

And the Court is of the opinion that the plea in abatement as filed herein is, on the merits, due to be denied and overruled.

It is therefore Ordered, adjudged and decreed by the Court that the plea is denied, to which ruling of the Court the Defendant excepts.

ORDERED, ADJUDGED, and DECREED by the Court
this 24 day of September, 1960.


Circuit Judge

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
FALL TERM 1960

This date having been set by the Court to hear and determine on its merits the plea in abatement of the cause filed here by defendant on the issue joined between the State and Defendant on such plea and the replication filed thereto by the State and the cause being submitted for determination of such plea to the Court sitting without a jury, the Court proceeds to hear the same.

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And the Court is of the opinion that the plea in abatement as filed herein is, on the merits, due to be denied and overruled.

It is therefore Ordered, adjudged and decreed by the Court that the plea is denied, to which ruling of the Court the Defendant excepts.

ORDERED, ADJUDGED, and DECREED by the Court
this 24 day of September, 1960.

Circuit Judge

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
	)	
vs	)	FALL TERM 1960
	)	
GEORGE C. WILKINSON,	)	
	)	
Defendant	)	

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this 24 day of September, 1960.

Circuit Judge

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
	)	
vs	)	FALL TERM 1960
	)	
GEORGE C. WILKINSON,	)	
	)	
Defendant	)	

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And the Court is of the opinion that the plea in abatement as filed herein is, on the merits, due to be denied and overruled.

It is therefore Ordered, adjudged and decreed by the Court that the plea is denied, to which ruling of the Court the Defendant excepts.

ORDERED, ADJUDGED, and DECREED by the Court
this 24 day of September, 1960.

Circuit Judge

STATE OF ALABAMA

vs.

GEORGE C. WILKINSON

ORDER OVERRULING DEMURRER

This day came the State of Alabama by its Assistant Attorney General, Jerry Coe and by the Solicitor for Baldwin County and demurred to the plea in abatement to the Court's jurisdiction, as amended, filed herein by the defendant and the same being argued and understood by the Court, the Court is of the opinion that the demurrer is not well taken.

It is therefore considered ORDERED, ADJUDGED and DECREED by the Court that the demurrer filed by the State to the plea in abatement of the defendant, as amended, being the same is hereby overruled.

The foregoing ruling having been made, thereupon the State filed in this cause its replication to the plea of the defendant in abatement.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the hearing of the plea in abatement on its merits be in the same as hereby set for hearing on the 24th day of September, 1960 at 9:00 a.m. This plea to be heard on its merits by the Court by consent of the parties sitting without a jury.

ORDERED, ADJUDGED and DECREED this 22nd day of September, 1960.

Hubert M. Steele
CIRCUIT JUDGE

Filed
9-22-60
Lucie J. Hester
Clerk

STATE OF ALABAMA

vs.

GEORGE C. WILKINSON

ORDER OVERRULING DEMURRER

This day came the State of Alabama by its Assistant Attorney General, Jerry Coe and by the Solicitor for Baldwin County and demurred to the plea in abatement to the Court's jurisdiction, as amended, filed herein by the defendant and the same being argued and understood by the Court, the Court is of the opinion that the demurrer is not well taken.

It is therefore considered ORDERED, ADJUDGED and DECREED by the Court that the demurrer filed by the State to the plea in abatement of the defendant, as amended, being the same is hereby overruled.

The foregoing ruling having been made, thereupon the State filed in this cause its replication to the plea of the defendant in abatement.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the hearing of the plea in abatement on its merits be in the same as hereby set for hearing on the 24th day of September, 1960 at 9:00 a.m. This plea to be heard on its merits by the Court by consent of the parties sitting without a jury.

ORDERED, ADJUDGED and DECREED this 22nd day of September, 1960.

CIRCUIT JUDGE

STATE OF ALABAMA

vs.

GEORGE C. WILKINSON

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It is therefore considered ORDERED, ADJUDGED and DECREED by the Court that the demurrer filed by the State to the plea in abatement of the defendant, as amended, being the same is hereby overruled.

The foregoing ruling having been made, thereupon the State filed in this cause its replication to the plea of the defendant in abatement.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the hearing of the plea in abatement on its merits be in the same as hereby set for hearing on the 24th day of September, 1960 at 9:00 a.m. This plea to be heard on its merits by the Court by consent of the parties sitting without a jury.

ORDERED, ADJUDGED and DECREED this 22nd day of September, 1960.

CIRCUIT JUDGE

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs	)	
GEORGE C. WILKINSON,	)	
Defendant	)	

STIPULATION IN LIEU OF EVIDENCE ON
TRIAL OF PLEA IN ABATEMENT

For purposes of trial only on the Plea in Abatement and traverse thereof in this cause, and not to be used as evidence otherwise than on hearing of the Plea in Abatement only, it is agreed between the State and Defendant as follows:

1. That there is presently pending and undisposed of on the docket of the Circuit Court of Mobile County, Alabama, Criminal Case Number 1404 referred to in the Plea against this Defendant, such indictment having been returned at the time and place alleged in the plea and on which the Defendant was arrested at the time stated in the Plea; that in such cause there pending the Court at Mobile has jurisdiction of the prosecution and of the person of the defendant and this jurisdiction attached in 1959 prior to the time the prosecution in this case in Baldwin County was commenced.

2. That the certified copy of the indictment, pleadings and rulings attached to the Plea in Abatement is an accurate, full, complete and correct transcript of all things which have thus far transpired in the Mobile case.

3. That Count Thirteen of the indictment in the Mobile case, which charges in substance that the Defendant sold securities of Bayside Motel Corporation to Amon Jones, is a count of the indictment in the Mobile case which relates to the same identical Amon Jones and the same identical transaction by Defendant with Amon Jones for the same identical

stock of the same identical corporation as does the indictment found and returned by the Grand Jury of Baldwin County in this pending cause at the Fall Term of 1960; that the State does not allege or contend that there was any other transaction by Defendant with Amon Jones other than the lone single transaction charged in Count Thirteen of the Mobile County indictment and also charged as the identical offense for the identical things charged in the instant indictment; that Count Thirteen of the Mobile indictment and this indictment attempt to charge Defendant with a violation of Title 53, Section 7, Code of 1940, connected with a sale to, or attempt to sell to, or contract to sell to, Amon Jones the same stock in the same identical transaction.

4. It is further agreed that Defendant's demurrer to the Mobile indictment attached to the Plea in Abatement was sustained as to all counts of the indictment except Count Ten thereof; that Count Ten thereof charges in substance that Defendant did engage in business as a securities dealer without being licensed as such, in violation of Section 21 of Title 53, Code of 1940, and that part of the evidence of the State going to establish that Defendant did so engage in business would be evidence that he did engage in the Amon Jones transaction as charged in the present indictment and as charged in Count Thirteen of the Mobile indictment.

5. That the Defendant has not been tried as yet on the Mobile indictment and that, absent an amendment by consent of the Defendant or a re-indictment thereon, he would not be tried on Count Thirteen of the Mobile indictment at this time because demurrer thereto has been sustained.

6. That the Mobile indictment has not been procured by or commenced by or with the agency, participation, connivance or authority of this Defendant and that prosecution of the

Defendant on the indictment returned against him in Mobile County is still pending there.

7. That this stipulation may be taken as an admitted state of facts for purposes of passing on the merits of the Plea in Abatement filed by the Defendant and as representing all of the evidence which could be offered by either the State or Defendant in support of or in traverse of such Plea in Abatement and that the Court should decide the issue on the Plea in Abatement based on the plea, the traverse and this stipulation.

8. That the execution of this stipulation is solely for purposes of decision on the Plea in Abatement and wholly without prejudice to the rights of either the State or Defendant on trial, that it shall not be admissible or any admissions or statements therein contained be taken or accepted in any way whatever for any purpose whatever except for purposes of decision by the Court sitting without a jury, on the merit of the Plea in Abatement.

FILED
9-23 1960
ALICE J. DUCK, CLERK
REGISTER

Jerry L. Love
Attorney for State
Sam B. White
Attorney for Defendant

9/24/60 Plea in abatement overruled
and denied -

Wm. J. [unclear]

By + cpts

State of Alabama

vs.

George C. Welkerson

Comes defendant and with leave
had and obtained amends his plea
in abatement, after the words
"the Circuit Court of Mobile County, Alabama"
on the second page of such plea
by adding the following:

"and the same prosecution in
Mobile County, with other non-related
charges, involves the same identical
act or transaction with the same
identical Amos Jones named in
this indictment and the identical
stock or securities referred to
in this indictment."

Paul D. Welkerson
Attorney for Defendant.

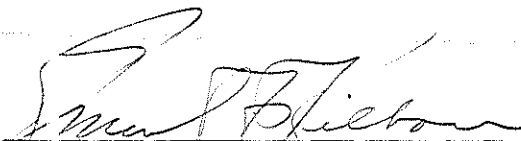
STATE OF ALABAMA

versus

GEORGE C. WILKINSON

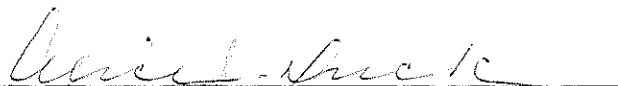
Comes Defendant and with leave had and obtained
amends his plea in abatement, after the words "the
Circuit Court of Mobile County Alabama" on the second
page of such plea by adding the following:

"and the same prosecution in Mobile County, with
other non-related charges, involves the same
identical act or transaction with the same identical
Amon Jones named in this indictment and the identical
stock or securities referred to in this indictment."



Attorney for Defendant

Filed September 22, 1960.



Circuit Clerk

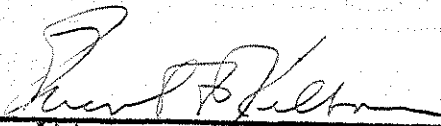
STATE OF ALABAMA

versus

GEORGE C. WILKINSON

Comes Defendant and with leave had and obtained amends his plea in abatement, after the words "the Circuit Court of Mobile County Alabama" on the second page of such plea by adding the following:

"and the same prosecution in Mobile County, with other non-related charges, involves the same identical act or transaction with the same identical Amos Jones named in this indictment and the identical stock or securities referred to in this indictment."



Attorney for Defendant

Filed September 22, 1960.

Circuit Clerk

STATE OF ALABAMA

versus

GEORGE C. WILKINSON

Comes Defendant and with leave had and obtained amends his plea in abatement, after the words "the Circuit Court of Mobile County Alabama" on the second page of such plea by adding the following:

"and the same prosecution in Mobile County, with other non-related charges, involves the same identical act or transaction with the same identical Amon Jones named in this indictment and the identical stock or securities referred to in this indictment."

Attorney for Defendant

Filed September 22, 1960.

Circuit Clerk

THE STATE OF ALABAMA, }

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

George C. Wilkinson

at the Fall Term, 1960, of the Circuit Court of Baldwin County, for the offense of

Securities Law. Viol.

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 14 day of Sept, 1960

Albie J. Dink
Clerk Circuit Court of Baldwin County.

The State of Alabama, }

Baldwin County.

We, George C. Wilkinson, as principal and

the other undersigned as sureties, agree to pay the State of Alabama One Thousand

Dollars, unless the said George C. Wilkinson appears

at the Next Term of the Circuit Court of Baldwin County, and from Term to

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

Securities Law Violation

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of the State of Alabama.

Witness our hands and seals this 16 day of Sept, 1960

George C. Wilkin (L. S.)
Clause H. Jones (L. S.)
Erma Williams (L. S.)
____ (L. S.)

Taken and approved 16 day of Sept, 1960

George C. Wilkin
Sheriff of Baldwin County.

C A P I A S

No. 121

The State

VS.

Glauc. C. Wilkinson

Bail fixed in this Case in Open Court at

\$1000.00

By H. M. Hall

Judge Presiding

Attest: Alice J. Park

Clerk.

Executed this 16 day of Sept, 1960

By arresting the within

vs. named Defendant

Bail fixed in this Case in Open Court at _____
_____ and placing him on bond

By H. M. Hall
Judge Presiding

Ed. J. J. J. E. J. J. Sheriff

_____, Clerk. _____, Deputy Sheriff

spanish fort 44 mi

INDICTMENT

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court, Fall Session, 1960

The Grand Jury of said County charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, and within this State, contract with Amon Jones to sell the common stock of the Bayside Motel Corporation, an Alabama Corporation, to Amon Jones without such common stock having been first admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner of Alabama in that the said George C. Wilkinson did contract with Amon Jones that he, the said George C. Wilkinson, would deliver to Amon Jones two promissory notes which said promissory notes are hereinafter designated as Note One and Note Two, which are in words and figures as follows:

NOTE ONE

"FIRST NATIONAL BANK
MOBILE ALABAMA

NO. _____ Mobile, Ala., March 23, 1959

On Demand AFTER DATE, WITHOUT GRACE WE PROMISE TO PAY
TO THE ORDER OF ---W. Amon Jones---\$5,000.00 Five Thou-
sand and no/100---Dollars plus six (6) per cent interest

For Value Received, PAYABLE At the FIRST NATIONAL BANK,
Mobile, Alabama.

The parties to this instrument, whether maker, endorser, surety, or guarantor, each, for himself, severally agrees: (a) to pay this note; (b) to pay interest thereon at the rate of eight per centum per annum, unless otherwise expressly stipulated hereon, and that such interest may be collected by the payee or owner of the note discounting the same, or, if the note shows on its face that it bears interest, by the owner thereof collecting the interest at its maturity; (c) that, in all events, this note, from the date of its maturity, shall bear interest at the rate of eight per centum per annum until paid. Each of said parties waives, as to this debt, all right of exemption under the constitution and laws of Alabama, or any other State, and they each severally agree to pay all costs of collecting or securing, or attempting to collect or secure, this note, including a reasonable attorney's fee whether the same be collected or secured by suit or otherwise, and the maker, endorser, surety, or guarantor of this note severally waives demand, presentment, protest, notice of protest, suit, and all other requirements necessary to hold them.

BAYSIDE MOTEL CORPORATION
/s/ D. V. Williams
D. V. Williams, President
Due On Demand

Address Mobile, Alabama"

NOTE TWO

"FIRST NATIONAL BANK
MOBILE ALABAMA

No. 621

Mobile, Ala., March 23, 1959

Six Months AFTER DATE, WITHOUT GRACE WE PROMISE TO PAY
TO THE ORDER OF ---W. Amon Jones---\$10,000.00 Ten Thousand
and no/100---Dollars plus six (6) per cent interest
For Value Received, PAYABLE at the First National Bank,
Mobile, Alabama.

The parties to this instrument, whether maker, endorser,
surety, or guarantor, each, for himself, severally agrees:
(a) to pay this note; (b) to pay interest thereon at the
rate of eight per cent per annum, unless otherwise ex-
pressly stipulated hereon, and that such interest may be
collected by the payee or owner of the note discounting
the same, or, if the note shows on its face that it bears
interest, by the owner thereof collecting the interest
at its maturity; (c) that, in all events, this note, from
the date of its maturity, shall bear interest at the rate
of eight per centum per annum until paid. Each of said
parties waives, as to this debt, all right of exemption
under the constitution and laws of Alabama, or any other
State, and they each severally agree to pay all costs of
collecting or securing, or attempting to collect or secure,
this note, including a reasonable attorney's fee whether
the same be collected or secured by suit or otherwise, and
the maker, endorser, surety, or guarantor of this note
severally waives demand, presentment, protest, notice of
protest, suit, and all other requirements necessary to
hold them.

BALDWIN MORTGAGE CORPORATION

/s/ Gordon Earls

Gordon Earls, President

Due September 23, 1959

ADDRESS Mobile, Alabama"

The said George C. Wilkinson further contracted with Amon Jones that
he, the said George C. Wilkinson would exchange the common stock of Bay-
Side Motel Corporation for said promissory notes within six (6) months
from, to wit, March 23, 1959; that the said common stock of Bayside
Motel Corporation at that time was not admitted to record and recorded
in the register of qualified securities in the office of the State
Securities Commissioner of Alabama.

In consideration of the aforesaid promissory notes, and the promise
of George C. Wilkinson to exchange the common stock of Bayside Motel
Corporation for said promissory notes, the said Amon Jones gave to the
said George C. Wilkinson one check in the amount of Ten Thousand
(\$10,000.00) dollars, and of the value of Ten Thousand (\$10,000.00)
dollars, which said check is in words and figures as follows:

"CLANTON, ALABAMA. February 18 1959 NO. 61-195

The Peoples Savings Bank 621

PAY TO THE ORDER OF Bayside Motel Corp. \$10,000.00
Ten Thousand & oo/100---Dollars

Corp. Stock

/s/Amon Jones"

And, one check in the amount of Five Thousand Dollars (\$5,000.00) and of the value of Five Thousand Dollars (\$5,000.00), which said check is in words and figures as follows:

"Clanton, Ala. February 18, 1959

No. _____

FIRST NATIONAL BANK
Clanton, Alabama

61-26
651

PAY TO THE ORDER OF---Bayside Motel Corporation---\$5,000.00
Five Thousand and no/100-----DOLLARS

COUNTER CHECK
Corp. Stock

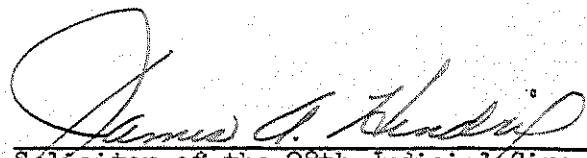
/s/Amon Jones"

The facts herein averred are based on facts and circumstances occurring prior to the effective date of Act No. 542, Acts of Alabama, 1959, approved on the 19th day of November, 1959, which said effective date was the 1st day of January, 1960,

against the peace and dignity of the State of Alabama.

COUNT TWO

The grand jury of said county charge that, before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the grand jury, did, contrary to law, and prior to the effective date of Act No. 542, Acts of Alabama, 1959, approved on the 19th day of November, 1959, which said effective date was the 1st day of January, 1960, contract to sell, in this state, shares of the common stock of the Bayside Motel Corporation, An Alabama Corporation, which said common stock had not then been admitted to record and recorded in the register of qualified securities of the state securities commissioner of Alabama against the peace and dignity of the State of Alabama.


Solicitor of the 28th Judicial Circuit.

RECORDED

Grand Jury No. 121

A TRUE BILL:

Herige W. Engel
Foreman Grand Jury.

Filed in open Court on the 14 day
of September, 1960 in the presence of
the Grand Jury.

Herige J. French
Clerk

Presented to the presiding Judge in
open Court by the Foreman of the
Grand Jury, in the presence of

17 other Grand Jurors, and
filed by order of the Court this
14 day of September, 1960.

Herige J. French
Clerk.

Bail fixed at \$ 100.00
this 14 day of Sept 1960.

W. M. Bush
Presiding Judge

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT

Fall Session, 1960

STATE OF ALABAMA
vs.
GEORGE C. WILKINSON

INDICTMENT
Securities Law Violation
WITNESSES:

Owen Bridges
Amon Jones
Gordon Earls

over the jury, but the defendant
not guilty
W. M. Bush

State

vs

George W. Wicker

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
	)	
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
	)	
VS.	)	
	)	
GEORGE C. WILKINSON,	)	NO. _____
	)	
DEFENDANT	)	

REPLICATION

Comes now the State of Alabama, by and through its Attorney General, MacDonald Gallion, and without waiving the Motion to Strike and the Demurrer heretofore filed in this cause, and for Replication to the defendant's Plea in Abatement says that the State ought not to be precluded from prosecuting the said indictment against the defendant on account of any fact stated in said plea because he says:

1. That the State of Alabama, by and through its Attorney General, MacDonald Gallion, denies each and every allegation of said plea and demands strict proof thereof.

2. That the State of Alabama, by and through its Attorney General, MacDonald Gallion, denies the allegation that the prosecution in this Court is a prosecution pending herein for the same act and things, and on the same charge for which the defendant is presently being prosecuted (with other related charges) in the Circuit Court of Mobile County, Alabama.

3. That the State of Alabama, by and through its Attorney General, MacDonald Gallion, denies the allegation that the prior commenced prosecution involves the same act or things for which this defendant is sought to be prosecuted in this Court in this cause on the indictment returned herein.

4. For that the State of Alabama, by and through its Attorney General, MacDonald Gallion, alleges that on, to-wit October 11
1959 the Grand Jury of Mobile County, Alabama returned an indictment against the defendant, a certified copy of which is

attached hereto and made a part hereof as if fully set out herein and marked for identification as Exhibit "A"; that on, to-wit February 3, 1960 the defendant filed a demurrer to said indictment, a certified copy of said demurrer is attached hereto and made a part hereof as if fully set out herein, and marked for identification as Exhibit "B"; that on, to-wit March 14, 1960 the Circuit Court of Mobile County, Alabama entered an order sustaining said demurrer to Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14, a certified copy of said order is attached hereto and made a part hereof as if fully set out herein and marked for identification as Exhibit "C".

4. The State of Alabama, by and through its Attorney General further allege that the cause pending against the defendant in the Circuit Court of Mobile County, Alabama is that which is stated in Count 10 of the attached indictment; that said count charges a violation of Title 53, Section 21, Code of Alabama (1940); that the case pending before this honorable court charges the defendant with having violated the provisions of Section 7, of Title 53, Code of Alabama (1940), which said charge is totally different in law and facts from the cause pending in the Circuit Court of Mobile County, Alabama.

All of which the State of Alabama, by and through its Attorney General is ready to verify, and he prays judgment that the defendant be convicted of the premises in said indictment alleged.

Respectfully submitted
MACDONALD GALLION
ATTORNEY GENERAL
By:

Jerry L. Coe
JERRY L. COE
ASSISTANT ATTORNEY GENERAL

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned Notary Public in and for said county and state, personally appeared Jerry L. Coe, whose name appears on the foregoing answer, and who being first duly sworn, deposes and says that the allegations contained therein are true.

Louise D. Rasmussen
NOTARY PUBLIC

STATE OF ALABAMA

Baldwin County

Case No.

121

No. 11461

The State of Alabama

vs.

In the

Baldwin County, Alabama

Court of

Before me,

Clerk of the

Court of

Baldwin County, Alabama, personally appeared Taylor Wilkins, who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the above case, in the above mentioned court, in executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies,

traveled 44 miles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest

Sheriff

Subscribed and sworn to before me this

day of

1956

Disposition

Clerk Circuit Court

After considering the above affidavit made by the Sheriff of Baldwin County, Alabama, I, as the trial Judge of said court, do hereby approve the claim for mileage in the sum of \$ _____ incurred in the making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk of the court to tax the said sum as part of the costs in said case.

This the _____ day of _____, 1956

Judge of the above named court

COUNT ONE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, sell in this state the securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TWO

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in this state wilfully and contrary to law, aid in the sale of securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT THREE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in this state, wilfully and contrary to law, advise in the sale of securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT FOUR

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel

Corporation, an Alabama corporation, wilfully and contrary to law, sell in this state securities of Bayside Motel Corporation, without such stock first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT FIVE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state aid in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT SIX

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state advise in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT SEVEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, sell in this state securities of Bayside Motel Corporation, without such stock first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT EIGHT

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state aid in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT NINE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state advise in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law sell in this state the common stock of Bayside Motel Corporation, an Alabama corporation, when he was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT ELEVEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, carry on business in the State of Alabama as a securities dealer or salesman in that he

did wilfully sell in this state the common stock of Bayside Motel Corporation when he was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TWELVE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, carry on business in this state as a securities dealer or salesman in that he did purchase stock from the Bayside Motel Corporation for the purpose of reselling said stock or for the purpose of offering said stock for sale to the public, when the said George C. Wilkinson was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT THIRTEEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law sell in this state securities of Bayside Motel Corporation, an Alabama corporation, which said securities had not been admitted to record and recorded in the register of qualified securities of the State Securities Commissioner of Alabama, said securities of Bayside Motel Corporation, an Alabama corporation, then and there so sold contrary to law by the said George C. Wilkinson, whose name is otherwise unknown to the Grand Jury were then and there so sold, contrary to law, to Amon Jones, against the peace and dignity of the State of Alabama.

COUNT FOURTEEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law carry on business in this state as a securities dealer or salesman in that he did, acting in his capacity as an officer of First Finance Corporation, purchase from Bayside Motel Corporation common stock of said Bayside Motel Corporation for the purpose of reselling said common stock or offering said common stock for sale to the public when the said George C. Wilkinson

was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

Grand Jury No. -103-B

Recorded
Recorded
THE STATE OF ALABAMA.
Mobile County.

CIRCUIT COURT OF MOBILE COUNTY

September

Session, 19 59

~~The Grand Jury of Mobile County, Alabama, do hereby return a true bill against~~

~~against the peace and dignity of the State of Alabama~~

CARL M. BOOTH,

Solicitor for the 13th Judicial Circuit of Alabama, (County of Mobile)

No Prosecutor

A True Bill

George W. Fordall
Foreman of the Grand Jury.

Bail fixed in open court at \$ 1000.00 this the 16 day of October 19 59

Alvin J. [Signature]
Judge.

Filed in open court this the 16 day of October 19 59

John E. Manderville
Clerk, Circuit Court, Mobile County, Alabama.

1404

G.J. No. 103-B

STATE OF ALABAMA

VS. INDICTMENT

GEORGE C. WILKINSON

OFFENSE:

Violating Securities Law

STATE OF ALABAMA

vs.

GEORGE C. WILKINSON,
Defendant

) IN THE CIRCUIT COURT OF
)
)
) MOBILE COUNTY, ALABAMA
)
)
) CRIMINAL DIVISION
) NO. 1404

DEMURRER

Comes the defendant in this cause and demurs to the indictment returned against him and to each and every count thereof separately and severally and as grounds of demurrer sets down and assigns the following separate and several grounds, to-wit:

1. The same charges no offense.
2. The same is so vague, indefinite and uncertain as to fail to inform the defendant what he is called upon to defend against.
3. The count fails to inform the defendant the nature and cause of the accusation against him.
4. There is a misjoinder of actions in the indictment.
5. There is a misjoinder of causes of action in the indictment.
6. For that counts of the indictment allegedly charging felonies are improperly joined with counts of the indictment allegedly charging misdemeanors.
7. For aught that appears the securities referred to in such count are securities exempt from record and registration in the office of the State Securities Commissioner of Alabama.
8. For that the Securities Acts of Alabama do not apply to private sales of stock and aught appearing the same referred to are private sales.
9. Said count fails to inform the defendant to whom the alleged securities were sold.

10. The count fails to inform the defendant what is alleged to be the "securities" allegedly dealt in contrary to law.

11. For that as a matter of law the statutes relating to Securities as embraced within Title 53 as amended, Code of 1940, gave so many definitions of the word "securities" that the count is vague, indefinite and uncertain as to just what "security" is alleged to be involved and defendant is unable to ascertain what he is charged with doing.

12. For aught that appears the securities which defendant is alleged to have been concerned with in such count were securities exempt under Section 4, Title 53, Code of 1940 as amended.

13. Said count fails to charge the act denounced was an act done in Mobile County.

14. Said count fails to inform the defendant the person to whom such securities were negotiated.

15. For aught that appears the securities referred to in such count are not securities required to be admitted and recorded in the register of qualified securities in the office of the State Securities Commissioner of Alabama.

16. Said count alleges defendant did "aid" in the sale of securities and such count fails to inform defendant whom he is alleged to have aided or in what manner defendant is alleged to have aided in the sale of securities.

17. Said count charges defendant did aid in the sale of securities but fails to inform defendant whom he is alleged to have aided, or in what matter he aided in a sale or to whom the sale in which defendant is alleged to have aided was made.

18. Aught appearing the sales were sales to a corporation not embraced within the prohibitory provisions of Title 53, Code of 1940.

19. Said count charges defendant did "advise" in the sale of securities and it is not alleged how defendant did "advise" therein, whom he advised, who was the seller of the securities or the purchaser thereof or when the same was done.

20. Aught appearing the sales referred to in the count are not sales made within the State of Alabama.

21. Said count charges that defendant in a certain capacity did the act denounced and such allegation of capacity is surplusage and unnecessary.

22. Said count refers to alleged sales of "securities" and then refers to "stock" and the defendant cannot inform himself what is the item he is alleged to have sold.

23. For that as a matter of law it is not a crime for one to sell his own stock and aught appearing the sales of stock made by defendant were sales of his own stock, for which the law does not require that the defendant register as a dealer.

24. For aught that appears no sale charged in a count of the indictment is a sale "for value."

25. For aught that appears from said count there is no sales charged to have been made in this state to a person in this state of securities.

26. Insofar as such count seeks to charge defendant with commission of a misdemeanor the same does not charge that the same was done within twelve months prior to the finding of the indictment.

27. For that there does not exist in contemplation of the statutes covering such matters a status such as that of "carrying on business" as a security dealer in this state but each act committed without a license with intent of engaging in business for which a license is required is a violation of the law and no specific act is charged.

28. For aught that appears the defendant was not a dealer in stocks and had a right to sell his own stock.

29. Aught appearing defendant was not a dealer or salesman and being such did carry on a securities business.

30. Said acts alleged to have been done do not constitute a crime.

31. For that it is not a crime in this state to buy stock for purposes of reselling it.

32. For it is not alleged what securities were involved in the Amon Jones transaction.

33. For aught that appears the State Securities Commissioner charged in the indictment is not the State Securities Commissioner of Alabama.

34. For aught that appears the State Securities Commissioner referred to in the indictment is not the Attorney General of Alabama in his capacity as Securities Commissioner of Alabama.

35. For that that the Defendant acted in the capacity as a director of Bayside Motel Corporation is irrelevant.

36. For that the same fails to specify what securities were sold, to whom they belonged, to whom they were sold, where they were sold, and otherwise fails to inform the defendant of the acts, transactions or occurrences charged to the defendant which are alleged to have been acts constituting a violation of the law.

37. For that said count fails to inform the Defendant whether the securities sold were securities uttered or issued by Bayside Motel Corporation or securities belonging to Bayside Motel Corporation and fails to inform the defendant precisely in what such securities consisted.

38. The allegations that the defendant did sell securities does not charge with definiteness an act done by the Defendant alleged to be within the meaning of the word "sell".

39. Said count fails to inform the Defendant in what

manner he is alleged to have advised or whom he advised or how he advised in and about the alleged sale of securities.

40. For aught that appears the defendant sold his own property.

41. For that the act charged does not as a matter of law constitute a carrying on of business as a securities dealer.

42. For aught that appears the defendant was a person having no place of business in this State who sells or offers to sell securities exclusively to brokers or dealers actively engaged in buying or selling securities as a business.

43. For aught that appears the sales alleged to have been made were sales exclusively to brokers or dealers who were in turn engaged in buying and selling securities as a business.

44. For that that the defendant purchased stock for the purpose of reselling such stock states no offense.

45. For that said count seeks to charge the defendant in the alternative with alleged violations of the law and one of the alternatives charged could not, as a matter of law, be a violation of the law.

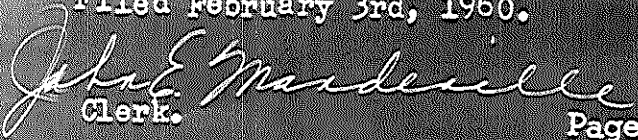
46. That the defendant, acting in his capacity as an officer of First Finance Corporation did buy common stock from Bayside Motel Corporation for the purpose of reselling such stock does not charge an offense.

47. For that it is not an offense to purchase common stock for the purpose of reselling the same.

48. For that it is not an offense to purchase stock for the purpose of offering such stock for sale to the public.


Attorney for the Defendant

Filed February 3rd, 1960.


Clerk.

Page 5

STATE OF ALABAMA,

Vs.

GEORGE C. WILKINSON.

IN THE CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA

Criminal Division No. 1404

A N S W E R

Comes now the State of Alabama by and through the Attorney General, McDonald Gallion, and for Answer to the Motion to Quash Indictment heretofore filed in the above styled cause and shows unto this Honorable Court as follows:

1. That the said Owen Bridges referred to in said Motion, was, at the time he appeared before the Grand Jury, a duly appointed and qualified Assistant Attorney General of the State of Alabama.
2. That the Attorney General either in person or by assistant, may appear before any Grand Jury in this State and present any matter to them for investigation (Title 55, Section 234).
3. That the Attorney General either in person or by one of his assistants, may at any time he sees proper, either before or after indictment, superintend and direct the prosecution of any criminal case in any of the counties of this State. (Title 55 Section 235, Code of Alabama of 1940).
4. That the Attorney General by law is also the Securities Commissioner of Alabama and as such he is charged by law with the duty of prosecuting violations of the Securities Law.
5. That the said Owen Bridges is the duly appointed and qualified Assistant Securities Commissioner of the State of Alabama and as such, when ordered by the Commissioner, is authorized and empowered to bring charges against any person

violating the criminal provisions of the Securities Law.

6. That the said Owen Bridges was, on July 7, 1959, ordered by the Securities Commissioner to appear before the Mobile County Grand Jury and to present certain matters to that body.

7. That a copy of said order is attached hereto and made a part hereof as if fully set out herein.

RESPECTFULLY SUBMITTED,

Jerry L. Coe
Assistant Attorney General

State of Alabama,
County of Mobile.

Before me, the undersigned Notary Public, in and for said County and State, personally appeared, JERRY L. COE, who being first duly sworn, deposes and says that he is an Assistant Attorney General for the State of Alabama and that the matters set forth in the foregoing answer are true.

Jerry L. Coe
JERRY L. COE, Assistant Attorney
General of Alabama

Sworn to and subscribed before me
this 27th day of January, 1960.

Kathleen Kasper
Notary Public, Mobile County, Ala.

Filed January 27th, 1960

John E. Marshall
Clerk.

STATE OF ALABAMA,

vs.

GEORGE C. WILKINSON,

Defendant

) IN THE CIRCUIT COURT OF

) MOBILE COUNTY, ALABAMA

) CRIMINAL DIVISION

) NO. 1404

MOTION TO QUASH INDICTMENT

Comes the defendant George C. Wilkinson and appearing for the sole purpose of making this motion to quash the indictment returned against him and otherwise reserving all rights to plead or demur to the indictment, and moves that the indictment returned against him in this cause be nullified and quashed and as grounds of said motion says as follows:

1. When the Grand Jury of Mobile County undertook to hear evidence and deliberate upon the finding of an indictment against this defendant one Owen Bridges who was not then and there a member of the Grand Jury, went into the Grand Jury Room at the inception of the investigation and remained throughout the same while the accusations against this defendant were being investigated and remained with the jury throughout the investigation until the jury prepared to vote on the preferment of an indictment. The said Owen Bridges was himself at all such times a witness regarding the matters under investigation and not only testified himself before the Grand Jury but after his own testimony was completed remained in the Grand Jury Room throughout the entire investigation and during the testimony of all other witnesses who appeared before the Grand Jury concerning the investigation of the causes upon which this defendant is sought to be charged. Movant further avers that throughout the entire course of such investigation the said Owen Bridges counseled and advised the Grand Jurors as to the

applicable law and actively and primarily adopted the role of prosecutor before the Grand Jury as well as that of a witness before the Grand Jury, and said Owen Bridges remained with the Grand Jurors actively to urge the indictment of this defendant and to counsel on the law and present the evidence and he performed not only service as a witness but occupied and pursued the role of prosecuting Solicitor in procuring the indictment returned against this defendant.

WHEREFORE this defendant says that the acts and conduct of the said Bridges improperly embarrassed, interfered with and dominated the deliberations of the Grand Jury and that by reason thereof the indictment of this defendant was procured and the functions of the Grand Jury were impeded by this misconduct and the indictment returned against him ought to be quashed.

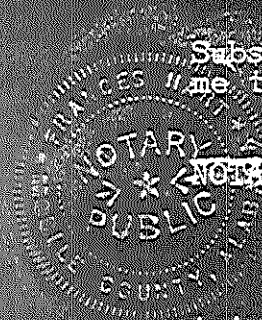

ATTORNEY FOR DEFENDANT

STATE OF ALABAMA
COUNTY OF MOBILE

Before me the undersigned Notary Public in and for said State and County personally appeared Vincent F. Kilborn, known to me, who, being by me duly sworn deposes and says that he is attorney for George C. Wilkinson the defendant herein and that he is informed and believes the matters set forth in the foregoing motion to quash are true and correct and on the basis of his information and belief he says that they are true and correct.



Subscribed and sworn to before me this 25th day of January, 1960.




NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The defendant demands a jury trial of all matters triable by a jury.


ATTORNEY FOR THE DEFENDANT

Filed Jan. 25, 1960
John E. Mandeville
clerk

THURSDAY, JANUARY 28th, 1960

State of Alabama) Violating Securities Law -
McDermott -vs- 1404) Motion to Quash the Indictment filed by Defendant
George C. Wilkinson) January 25th, 1960 - Withdrawn.
(White Male-Age))

This day in open court came the State of Alabama by its Solicitor and the defendant in his own proper person and with his attorney and Defendant's motion to Quash the Indictment in this case filed the 25th day of January, 1960, be and the same is hereby withdrawn by the Defendant.

THURSDAY, JANUARY 28th, 1960

State of Alabama) Violating Securities Law -
McDermott -vs- 1404) Answer to Motion to Quash the Indictment
George C. Wilkinson) filed by the State January 27th, 1960 -
(White Male-Age)) Withdrawn.

This day in open court came the State of Alabama by its Solicitor and the defendant in his own proper person and with his attorney and State's Answer to Motion to Quash the Indictment filed the 27th day of January, 1960, be and the same is hereby withdrawn by the State.

THURSDAY, FEBRUARY 4th, 1960

State of Alabama) Violating Securities Law.
McDermott vs. 1404) Demurrer to Indictment - Taken under sub-
George C. Wilkinson) mission.

This day in open court came the State of Alabama by its Solicitor and the defendant in his own proper person and with his attorney and defendant's Demurrer to Indictment filed February 4th, 1960, coming on to be heard and being argued by Counsel and Understood by the court; It is ordered and adjudged by the court that Defendant's Demurrer to Indictment filed the 4th day of February, 1960, be and the same are hereby taken under submission.

FRIDAY, FEBRUARY 5th, 1960

at "c"
MONDAY MARCH 14th, 1960

State of Alabama) Violating Securities Law.
McDermott vs. 1404) Demurrer overruled as to Count 10 - Sustained
George C. Wilkinson) as to Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11,
(White Male)) 12, 13 & 14.

This day in open court came the State of Alabama by its Solicitor and defendant's Demurrer filed February 4, 1960, to the Indictment in this case having heretofore on the 4th day of February, 1960, been argued by Counsel and submitted to the Court, together with all the other papers in the case, and said demurrer being understood by the Court; It is ordered and adjudged by the court that defendant's Demurrer filed on the 4th day of February, 1960, in this case be and it is hereby overruled as to Count 10 and sustained as to Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14.

STATE OF ALABAMA)
)
MOBILE COUNTY.)

I, John E. Mandeville, Clerk of the Circuit Court of Mobile County, in and for Mobile County, State of Alabama, do hereby certify that the foregoing is a true and correct photostatic copies of the Indictment, Motion to Quash the Indictment, Answer to the Motion to Quash the Indictment, Demurrer to Indictment and rulings of the Court, in the case No. 1404, State of Alabama vs. George C. Wilkinson, as the same remains of record in my office.

Witness my hand and seal of said Circuit Court this the 21st day of September, 1960.

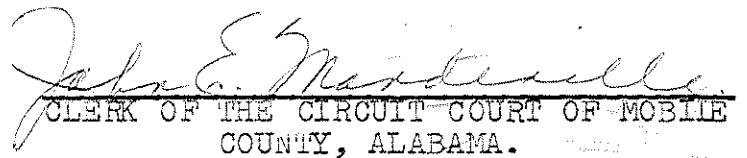

CLERK OF THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

Figure 1. (a) Schematic diagram of the experimental setup. (b) Schematic diagram of the experimental setup.

FILED
SEP 22 1960
Arlene J. Duck, Clerk

This Defendant says that there is pending in the Circuit Court of Mobile County, Alabama, in the Criminal Division of that Court against this Defendant that certain cause therein pending being Case No. 1404 entitled "State of Alabama vs George C. Wilkinson". Such cause is a prosecution commenced in such Court by the return of an indictment against this Defendant at the September Session of the Grand Jury of Mobile County for the year 1959. At that time there was returned in such cause against this Defendant an indictment for violating the Securities Law of Alabama. Bail for this Defendant was fixed in open court in such Court at \$1,000.00 on the 16th day of October, 1959, and this Defendant was thereupon at that time arrested on capias issued on such indictment and that Court acquired jurisdiction in October, 1959, over

that cause and the person of this Defendant in such cause. The prosecution in such Court on that indictment aforesaid was commenced without the agency, participation, connivance or authority of this Defendant and such prosecution on such indictment is still pending in such Court between the State of Alabama, as Plaintiff, and this Defendant. This Defendant annexes hereto and makes a part hereof a transcript of that proceeding which is pending and now remains pending in such Court against him, therein. Your Defendant says that such cause has not been disposed of by the Circuit Court of Mobile County, and remains yet on the docket of such Court.

This Defendant says that the prosecution in this instant cause here begun and now here pending in the Circuit Court of Baldwin County, Alabama, was commenced by return of the indictment to which this plea is filed in the Fall Session of the Circuit Court of Baldwin County, Alabama, for the year 1960, and that such prosecution in this Court is a prosecution pending herein for the same act and things and on the same charge for which the Defendant is presently being prosecuted (with other related charges) in the Circuit Court of Mobile County, Alabama.

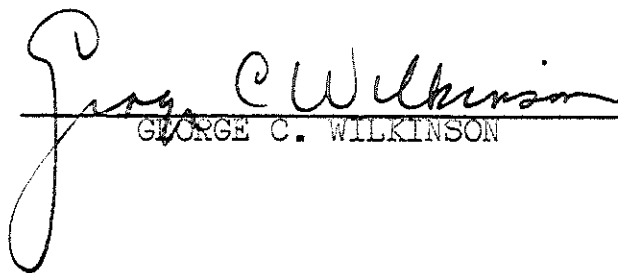
And this Defendant says that the jurisdiction over the person of this Defendant and the subject matter of this prosecution and the litigation in this cause, first attached upon the return of the indictment and the arrest of this Defendant thereon in the Circuit Court of Mobile County, Alabama.

WHEREFORE, this Defendant says that the parties between which this prosecution is pending in this Court are the same parties between whom the prosecution is pending against Defendant in the Circuit Court of Mobile County, Alabama, where that prior prosecution remains undisposed of and

which prior commenced prosecution involves the same act or things for which this Defendant is sought to be prosecuted in this Court in this cause on the indictment returned herein.

WHEREFORE, this Defendant pleads in abatement of this action that jurisdiction of the prosecution for the offense charged in the indictment in this Court first attached to the Circuit Court of Mobile County, Alabama, which was the first Court to acquire jurisdiction thereof and of the Defendant. And this Defendant in this cause therefore pleads in abatement of this prosecution the pendency of the prior prosecution commenced against him in the Circuit Court of Mobile County, Alabama, referred to herein, and prays that this cause be abated and stayed pending the disposition of the prosecution in the Circuit Court of Mobile County, Alabama.

And this Defendant verifies this plea by his oath and, expressly reserving all rights to plead or demur to the indictment should this plea be overruled, says that this prosecution is due to be abated.



GEORGE C. WILKINSON

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned Notary Public in and for said State and County, personally appears George C. Wilkinson, known to me, who, being by me first duly sworn, deposes and says that he has read the foregoing Plea and has knowledge of the matters of fact stated therein, and the facts stated therein are true except such as are stated on information and belief, and as to matters stated on information and

belief, he is informed and believes them to be true.

Grover C. Wilkinson

Subscribed and sworn to before me
this 21 day of September, 1960.

Francis Hart
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Ernest B. Kilborn
Attorney for Defendant

COUNT ONE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, sell in this state the securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TWO

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in this state wilfully and contrary to law, aid in the sale of securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT THREE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in this state, wilfully and contrary to law, advise in the sale of securities of Bayside Motel Corporation, an Alabama corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT FOUR

The Grand Jury of said County charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, sell in this state securities of Bayside Motel Corporation, without such stock first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT FIVE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state aid in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT SIX

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as President of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state advise in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT SEVEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, sell in this state securities of Bayside Motel Corporation, without such stock first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT EIGHT

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state aid in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT NINE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, in his capacity as director of Bayside Motel Corporation, an Alabama corporation, wilfully and contrary to law, in this state advise in the sale of securities of Bayside Motel Corporation, without such securities first having been admitted to record and recorded in the register of qualified securities in the office of the State Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law sell in this state the common stock of Bayside Motel Corporation, an Alabama corporation, when he was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT ELEVEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, carry on business in the State of Alabama as a securities dealer or salesman in that he did wilfully sell in this state the common stock of Bayside Motel Corporation when he was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT TWELVE

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law, carry on business in this state as a securities dealer or salesman in that he did purchase stock from the Bayside Motel Corporation for the purpose of reselling said stock or for the purpose of offering said stock for sale to the public, when the said George C. Wilkinson was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

COUNT THIRTEEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law sell in this state securities of Bayside Motel Corporation, an Alabama corporation, which said securities had not been admitted to record and recorded in the register of qualified securities of the State Securities Commissioner of Alabama, said securities of Bayside Motel Corporation, an Alabama corporation, then and there so sold contrary to law by the said George C. Wilkinson, whose name is otherwise unknown to the Grand Jury were then and there so sold, contrary to law, to Amon Jones, against the peace and dignity of the State of Alabama.

COUNT FOURTEEN

The Grand Jury of said county charge that before the finding of this indictment, George C. Wilkinson, whose name is otherwise unknown to the Grand Jury, did, wilfully and contrary to law carry on business in this state as a securities dealer or salesman in that he did, acting in his capacity as an officer of First Finance Corporation, purchase from Bayside Motel Corporation common stock of said Bayside Motel Corporation, for the purpose of reselling said common stock or offering said common stock for sale to the public when the said George C. Wilkinson was not registered as a securities dealer or salesman in the office of the Alabama Securities Commissioner, against the peace and dignity of the State of Alabama.

Grand Jury No. 103-B

THE STATE OF ALABAMA.
Mobile County.

CIRCUIT COURT OF MOBILE COUNTY
September Session, 19 59

The GRAND JURY of said County charge, that, before the finding of this indictment

against the peace and dignity of the State of Alabama.

CARL M. BOOTH,
Solicitor for the 13th Judicial Circuit of Alabama, (County of Mobile)

No Prosecutor

A True Bill

George W. Randall

Foreman of the Grand Jury.

Bail fixed in open court at \$ 1000.00 this the 16 day of October 19 59

Herndon Inge, Jr.

Judge.

Filed in open court this the 16 day of October 19 59

John E. Mandeville

Clerk, Circuit Court, Mobile County, Alabama.

1404

No. 103-B

THE STATE

vs. } INDICTMENT

George C. Wilkinson

wm

OFFENSE:

Violating Securities Law

STATE OF ALABAMA,

vs.

GEORGE C. WILKINSON,

Defendant

IN THE CIRCUIT COURT OF

MOBILE COUNTY, ALABAMA

CRIMINAL DIVISION

NO. 1404

MOTION TO QUASH INDICTMENT

Comes the defendant George C. Wilkinson and appearing for the sole purpose of making this motion to quash the indictment returned against him and otherwise reserving all rights to plead or demur to the indictment, and moves that the indictment returned against him in this cause be nullified and quashed and as grounds of said motion says as follows:

1. When the Grand Jury of Mobile County undertook to hear evidence and deliberate upon the finding of an indictment against this defendant one Owen Bridges who was not then and there a member of the Grand Jury, went into the Grand Jury Room at the inception of the investigation and remained throughout the same while the accusations against this defendant were being investigated and remained with the jury throughout the investigation until the jury prepared to vote on the preferment of an indictment. The said Owen Bridges was himself at all such times a witness regarding the matters under investigation and not only testified himself before the Grand Jury but after his own testimony was completed remained in the Grand Jury Room throughout the entire investigation and during the testimony of all other witnesses who appeared before the Grand Jury concerning the investigation of the causes upon which this defendant is sought to be charged. Movant further avers that throughout the entire course of such investigation the said Owen Bridges counseled and advised the Grand Jurors as to the applicable law and actively and primarily adopted the role of prosecutor before the Grand Jury as well as that of a

witness before the Grand Jury, and said Owen Bridges remained with the Grand Jurors actively to urge the indictment of this defendant and to counsel on the law and present the evidence and he performed not only service as a witness but occupied and pursued the role of prosecuting Solicitor in procuring the indictment returned against this defendant.

WHEREFORE this defendant says that the acts and conduct of the said Bridges improperly embarrassed, interfered with and dominated the deliberations of the Grand Jury and that by reason thereof the indictment of this defendant was procured and the functions of the Grand Jury were impeded by this misconduct and the indictment returned against him ought to be quashed.

Vincent F. Kilborn
ATTORNEY FOR DEFENDANT

STATE OF ALABAMA

COUNTY OF MOBILE

Before me the undersigned Notary Public in and for said State and County personally appeared Vincent F. Kilborn, known to me, who, being by me duly sworn deposes and says that he is attorney for George C. Wilkinson the defendant herein and that he is informed and believes the matters set forth in the foregoing motion to quash are true and correct and on the basis of his information and belief he says that they are true and correct.

Vincent F. Kilborn

Subscribed and sworn to before
me this 25th day of January, 1960.

Frances Hart
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The defendant demands a jury trial of all matters triable by a jury.

Vincent F. Kilborn
ATTORNEY FOR THE DEFENDANT

Filed Jan. 25, 1960

John E. Mandeville, Clerk.

STATE OF ALABAMA,
VS.
GEORGE C. WILKINSON.

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IN THE CIRCUIT COURT OF MOBILE COUNTY,
ALABAMA .
Criminal Division No. 1404.

ANSWER

Comes now the State of Alabama by and through the Attorney General, McDonald Gallion, and for Answer to the Motion to Quash Indictment heretofore filed in the above styled cause and shows unto this Honorable Court as follows:

1. That the said Owen Bridges referred to in said Motion, was, at the time he appeared before the Grand Jury, a duly appointed and qualified Assistant Attorney General of the State of Alabama.
2. That the Attorney General either in person or by assistant, may appear before any Grand Jury in this State and present any matter to them for investigation (Title 55, Section 234.).
3. That the Attorney General either in person or by one of his assistants, may at any time he sees proper, either before or after indictment, superintend and direct the prosecution of any criminal case in any of the counties of this State. (Title 55 Section 235, Code of Alabama of 1940.).
4. That the Attorney General by law is also the Securities Commissioner of Alabama and as such he is charged by law with the duty of prosecuting violations of the Securities Law.
5. That the said Owen Bridges is the duly appointed and qualified Assistant Securities Commissioner of the State of Alabama, and as such, when ordered by the Commissioner, is authorized and empowered to bring charges against any person violating the criminal provisions of the Securities Law.
6. That the said Owen Bridges was, on July 7, 1959, ordered by the Securities Commissioner to appear before the Mobile County Grand Jury and to present certain matters to that body.

7. That a copy of said order is attached hereto and made a part hereof as if fully set out herein.

RESPECTFULLY SUBMITTED,

Jerry L. Coe
Assistant Attorney General

State of Alabama, |
County of Mobile. |

Before me, the undersigned Notary Public, in and for said County and State, personally appeared, JERRY L. COE, who being first duly sworn, deposes and says that he is an Assistant Attorney General for the State of Alabama and that the matters set forth in the foregoing answer are true.

Jerry L. Coe
JERRY L. COE, Assistant Attorney
General of Alabama

Sworn to and subscribed before me
this 27th day of January 1960.

Kathleen Kasper
Notary Public, Mobile County, Ala.

Filed January 27th, 1960

John E. Mandeville,
Clerk.

STATE OF ALABAMA

vs.

GEORGE C. WILKINSON,
Defendant

) IN THE CIRCUIT COURT OF

) MOBILE COUNTY, ALABAMA

) CRIMINAL DIVISION

) NO. 1404

DEMURRER

Comes the defendant in this cause and demurs to the indictment returned against him and to each and every count thereof separately and severally and as grounds of demurrer sets down and assigns the following separate and several grounds, to-wit:

1. The same charges no offense.
2. The same is so vague, indefinite and uncertain as to fail to inform the defendant what he is called upon to defend against.
3. The count fails to inform the defendant the nature and cause of the accusation against him.
4. There is a misjoinder of actions in the indictment.
5. There is a misjoinder of causes of action in the indictment.
6. For that counts of the indictment allegedly charging felonies are improperly joined with counts of the indictment allegedly charging misdemeanors.
7. For aught that appears the securities referred to in such count are securities exempt from record and registration in the office of the State Securities Commissioner of Alabama.
8. For that the Securities Acts of Alabama do not apply to private sales of stock and aught appearing the same referred to are private sales.
9. Said count fails to inform the defendant to whom the alleged securities were sold.

10. The count fails to inform the defendant what is alleged to be the "securities" allegedly dealt in contrary to law.

11. For that as a matter of law the statutes relating to Securities as embraced within Title 53 as amended, Code of 1940, gave so many definitions of the word "securities" that the count is vague, indefinite and uncertain as to just what "securitity" is alleged to be involved and defendant is unable to ascertain what he is charged with doing.

12. For aught that appears the securities which defendant is alleged to have been concerned with in such count were securities exempt under Section 4, Title 53, Code of 1940 as amended.

13. Said count fails to charge the act denounced was an act done in Mobile County.

14. Said count fails to inform the defendant the person to whom such securities were negotiated.

15. For aught that appears the securities referred to in such count are not securities required to be admitted and recorded in the register of qualified securities in the office of the State Securities Commissioner of Alabama.

16. Said count alleges defendant did "aid" in the sale of securities and such count fails to inform defendant whom he is alleged to have aided or in what manner defendant is alleged to have aided in the sale of securities.

17. Said count charges defendant did aid in the sale of securities but fails to inform defendant whom he is alleged to have aided, or in what matter he aided in a sale or to whom the sale in which defendant is alleged to have aided was made.

18. Aught appearing the sales were sales to a corporation not embraced within the prohibitory provisions of Title 53, Code of 1940.

19. Said count charges defendant did "advise" in the sale of securities and it is not alleged how defendant did "advise" therein, whom he advised, who was the seller of the securities or the purchaser thereof or when the same was done.

20. Aught appearing the sales referred to in the count are not sales made within the State of Alabama.

21. Said count charges that defendant in a certain capacity did the act denounced and such allegation of capacity is surplusage and unnecessary.

22. Said count refers to alleged sales of "securities" and then refers to "stock" and the defendant cannot inform himself what is the item he is alleged to have sold.

23. For that as a matter of law it is not a crime for one to sell his own stock and aught appearing the sales of stock made by defendant were sales of his own stock, for which the law does not require that the defendant register as a dealer.

24. For aught that appears no sale charged in a count of the indictment is a sale "for value."

25. For aught that appears from said count there is no sales charged to have been made in this state to a person in this state of securities.

26. Insofar as such count seeks to charge defendant with commission of a misdemeanor the same does not charge that the same was done within twelve months prior to the finding of the indictment.

27. For that there does not exist in contemplation of the statutes covering such matters a status such as that of "carrying on business" as a security dealer in this state but each act committed without a license with intent of engaging in business for which a license is required is a violation of the law and no specific act is charged.

28. For aught that appears the defendant was not a dealre in stocks and had a right to sell his own stock.

29. Aught appearing defendant was not a dealer or salesman and being such did carry on a securities business.

30. Said acts alleged to have been done do not constitute a crime.

31. For that it is not a crime in this state to buy stock for purposes of reselling it.

32. For it is not alleged what securities were involved in the Amon Jones transaction.

33. For aught that appears the State Securities Commissioner charged in the indictment is not the State Securities Commissioner of Alabama.

34. For aught that appears the State Securities Commissioner referred to in the indictment is not the Attorney General of Alabama in his capacity as Securities Commissioner of Alabama.

35. For that that the Defendant acted in the capacity as a director of Bayside Motel Corporation is irrelevant.

36. For that the same fails to specify what securities were sold, to whom they belonged, to whom they were sold, where they were sold, and otherwise fails to inform the defendant of the acts, transactions or occurrences charged to the defendant which are alleged to have been acts constituting a violation of the law.

37. For that said count fails to inform the Defendant whether the securities sold were securities uttered or issued by Bayside Motel Corporation or securities belonging to Bayside Motel Corporation and fails to inform the defendant precisely in what such securities consisted.

38. The allegations that the defendant did sell securities does not charge with definiteness an act done by the Defendant alleged to be within the meaning of the word "sell".

39. Said count fails to inform the Defendant in what

manner he is alleged to have advised or whom he advised or how he advised in and about the alleged sale of securities.

40. For aught that appears the defendant sold his own property.

41. For that the act charged does not as a matter of law constitute a carrying on of business as a securities dealer.

42. For aught that appears the defendant was a person having no place of business in this State who sells or offers to sell securities exclusively to brokers or dealers actively engaged in buying or selling securities as a business.

43. For aught that appears the sales alleged to have been made were sales exclusively to brokers or dealers who were in turn engaged in buying and selling securities as a business.

44. For that that the defendant purchased stock for the purpose of reselling such stock states no offense.

45. For that said count seeks to charge the defendant in the alternative with alleged violations of the law and one of the alternatives charged could not, as a matter of law, be a violation of the law.

46. That the defendant, acting in his capacity as an officer of First Finance Corporation did buy common stock from Bayside Motel Corporation for the purpose of reselling such stock does not charge an offense.

47. For that it is not an offense to purchase common stock for the purpose of reselling the same.

48. For that it is not an offense to purchase stock for the purpose of offering such stock for sale to the public.

Vincent F. Kilborn
Attorney for the Defendant

Filed February 3rd, 1960.

John E. Mandeville, Clerk

THURSDAY, JANUARY 28th, 1960

State of Alabama	)	Violating Securities Law -
McDermott -vs- 1404	)	Motion to Quash the Indictment filed by
George C. Wilkinson	)	Defendant January 25th, 1960 - Withdrawn -
(White Male-Age)	)	

This day in open court came the State of Alabama by its Solicitor and the defendant in his own proper person and with his attorney and Defendant's motion to Quash the Indictment in this case filed the 25th day of January, 1960, be and the same is hereby withdrawn by the Defendant.

THURSDAY, JANUARY 28th, 1960

State of Alabama	)	Violating Securities Law -
McDermott -vs- 1404	)	Answer to Motion to Quash the Indictment filed
George C. Wilkinson	)	by the State January 27th, 1960 - Withdrawn -
(White Male-Age)	)	

This day in open court came the State of Alabama by its Solicitor and the defendant in his own proper person and with his attorney and State's Answer to Motion to Quash the Indictment filed the 27th day of January, 1960, be and the same is hereby withdrawn by the State.

MONDAY, MARCH 14th, 1960

State of Alabama	)	Violating Securities Law -
McDermott -vs- 1404	)	Demurrer overruled as to Count 10 - Sustained
George C. Wilkinson	)	as to Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12,
(White Male)	)	13 & 14.

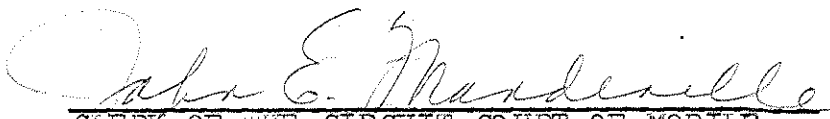
This day in open court came the State of Alabama by its Solicitor and defendant's Demurrer filed February 4, 1960, to the Indictment in this case having heretofore on the 4th day of February, 1960, been argued by Counsel and submitted to the Court, together with all the other papers in the case, and said demurrer being understood by the Court; It is ordered and adjudged by the court that defendant's Demurrer filed on the 4th day of February, 1960, in this case be and it is hereby overruled as to Count 10 and sustained as to Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14.

STATE OF ALABAMA,)
)
COUNTY OF MOBILE.)

I, John E. Mandeville, Clerk of the Circuit Court of Mobile County, in and for Mobile County, State of Alabama, do hereby certify that the foregoing is a true and correct copy of the Indictment, Motion to Quash the Indictment, Answer to Quash the Indictment, Demurrer and Rulings of the Court in case No. 1404, State of Alabama vs. George C. Wilkinson, as the same remains of record in my office.

And I further certify that the case is still pending on the docket of the Circuit Court of Mobile County, Alabama.

Witness my hand and seal of said Circuit Court this the 20th day of September, 1960.


CLERK OF THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.