

3604

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
November 21, 1962 ~~Monday~~, 196~~xx~~, in a cer-
tain cause in said Court wherein State of Alabama

Plaintiff, and Edward A. Wallace
Defendant, a judgement was rendered against said
Edward A. Wallace
to reverse which judgment, the said Edward A. Wallace

applied for and obtained from this office an APPEAL, returnable to the Court of Appeals
Term of our Court of Appeals Court of the State of Alabama, to be held at Montgomery, on
the day of , 196 next, and the necessary bond
having been given by the said Edward A. Wallace
with Joseph Hipsh, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said State of Alabama
or James A. Hendrix, Solicitor, Twenty-Eighth
Judicial Circuit, attorney, to appear at the next Term of our
Court of Appeals
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 9th
day of January, A. D., 1963

Attest:

, Clerk.

3604

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Appeal
Vs.

Citation in Appeal

EDWARD A. WALLACE

Issued 9th day of Jan., 1963

serve: James A. Hendrix

*I hereby accept serving a copy of the
process - 1/9/63
James A. Hendrix*

STATE OF ALABAMA
VS
EDWARD A. WALLACE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 3604

MOTION TO QUASH

Comes now the accused, Edward A. Wallace, by his attorney, and moves to quash the affidavit heretofore filed in said cause, and as grounds therefore assigns the following:

1. That the activity engaged in by the accused at the time of arrest and at the time of the making of the affidavit, was solely and strictly a matter of interstate commerce.
2. That the activity engaged in by the accused at the time of arrest is not such as would subject him to the license required by the state and for the non-possession of which the affidavit was made.
3. That the affidavit and the arrest constitute an interference with interstate commerce.
4. That the sole activity of the accused was the transportation of his own shrimp in his own vehicle from Louisiana to Florida, and only constituted a passing through the State of Alabama.


Attorney for accused, E. A. Wallace

FILED

OCT 6 1962

ALICE L. DICK, CLERK

RECORDED

THE STATE OF ALABAMA

Baldwin County }

We, Edward Angelo Wallace

agree to pay to the State of Alabama Five Hundred Dollars,

unless the said Edward Angelo Wallace

appear on the 14 day of April, 1967, in the Justice Court

of Simi Haven, and from time to time thereafter

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

Transporting saw Shrap by Motor Vehicle Through the State of Alabama

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

Approved this the 29 day of

March, 1967

District Game Warden

By _____ Deputy Game Warden

E. G. Wallace (L. S.)

Epiphanius E. E. (L. S.)

_____ (L. S.)

_____ (L. S.)

Joe Hipsch (L. S.)

_____ (L. S.)

THE STATE OF ALABAMA

.....County

THE STATE OF ALABAMA

vs.

BAIL BOND

THE STATE OF ALABAMA

IN THE CIRCUIT COURT.

Baldwin County.

We Edward A. Wallace and

agree to pay to the State of Alabama the sum of Two Hundred and Fifty (\$250.00) Dollars, unless the said

Edward A. Wallace 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

Transporting Shrimp Without Proper License,

And we, and each of us, hereby waive all exemptions we may have to any personal property under the Constitution and Laws of the State of Alabama as to the collection of the penalty of this bond.

Witness our hands and seals this 21st day of November, 1962

The condition of the above obligation is such that, whereas the above bound

Edward A. Wallace was duly convicted in the Circuit Court of

Baldwin County on the 21st day of November, 1962,

of the above stated offense, and has duly applied for and obtained an appeal from said conviction and sentence to the Court of Appeals for the State of Alabama, and the amount of his appeal bond has been duly and legally fixed at said above stated sum:

Now, therefore, if the said Edward A. Wallace

shall appear at the next term of the Circuit Court of Baldwin County, and from term to term thereafter until discharged by law, and abide the judgment of the said Court of Appeals for the State of Alabama, then this obligation to be void and of no effect; otherwise to remain in full force and effect.

E. A. Wallace (Seal.)

Joseph Hysick (Seal.)

(Seal.)

(Seal.)

Approved this 24 day of Nov, 1962

Alfred J. Blum Clerk.

MRS. Alice Duck
Circuit Clerk
Bay Minette, Ala.

No. _____
THE STATE OF ALABAMA
_____ County.
CIRCUIT COURT OF
_____ County.
THE STATE vs. THE STATE
APPEAL BOND TO COURT OF APPEALS CRIMINAL CASES
Filled in office this the _____ day of _____, 19____
Clerk.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 62

To the Clerk of the Circuit Court of Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said County, in a certain cause lately pending in said Court between

Edward A. Wallace, Appellant,

and

The State, Appellee,

wherein by said Court, at the Term, 19, it was considered adversely to said appellant, were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 28th day of May 19 63,

, that the said appeal be and stand dismissed; and that it was further considered that the appellant, ~~and~~

~~secretaries on the opposite bank~~

pay the costs accruing on said appeal in this Court and in the Court below

Witness Charles Bricken, Jr., Clerk of the Court
of Appeals of Alabama, at the Capitol, this the
28th day of May 19 63


Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 19 62

1st Div. No. 933

Edward A. Wallace

Appellant.,

v.

The State

Appellee.....

From Baldwin Circuit Court

CERTIFICATE OF DISMISSAL

No Opinion

The State of Alabama,

County.

} Filed

this day of 19

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County.

In the Justice Court of

Before me, Jim Stinson, Justice of the Peace

in and for said County, personally appeared James T. Phillips who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County,
on or about March 29 that one Edward Angelo Wallace

Did transport New Trump by motor vehicle
within the State of Alabama without proper
license

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 29
day of March, A. D., 1964
Jim Stinson, J. P.

James T. Phillips

WARRANT

State Of Alabama, }
Baldwin County.

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest

_____ and bring
before _____ to answer the State of Alabama on a charge

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

Witness my hand this _____ day of _____, 19____

_____, J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County.

To the Jailer of Baldwin County:

On complaint of _____
charging _____
with the offense of _____

it appearing that such offense has been committed, and that there is sufficient cause to believe that _____
_____ has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this _____ day of _____, 19____

Justice of the Peace.

The State Of Alabama

BALDWIN COUNTY

Justice Court Of

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Witnesses for the State

OK Cont of \$40.00
Rabun

DESCRIPTION

Height _____ Weight _____

Color _____ Sex _____

Age _____ Hair _____

Address _____

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Executed this the day of 19

By arresting the within named Defendant

and placing him or her _____

_____, Sheriff

_____, Deputy Sheriff

_____, Highway Patrol

Personally appeared the under signed,
who being duly sworn desposes and says:
I am a Deputy Sheriff of Baldwin Co.,
Ala., In the above case, in the above
mentioned Court in executing the warr-
ant of arrest of the defendant. I traveled

_____ miles by the most direct route to point of
arrest and return, and the Sheriff is en-
titled to milage at 10c per mile. Point of
arrest: _____

Signed _____
Subscribed and sworn to before me this
_____ day of _____ 19 ____

Clerk J. P. Court

No. *86*

Page

The State Of Alabama

Baldwin County

JUSTICE COURT OF

THE STATE OF ALABAMA

vs.

Mittimus

The State of Alabama

Baldwin County

I, _____
a Justice of the Peace in and for said State
and County, do and hereby certify that

_____ the Defendant; is required to give bail in the
sum of \$ _____ for his appearance at the
19 Term of the

Court of _____ County, Ala.

Given under hand this the
day of 19

..... J. P.

APPEAL BOND

THE STATE OF ALABAMA
COUNTY OF BALDWIN }

Edward A. Wallace and

KNOW ALL MEN BY THESE PRESENTS, That we

as principal, and

Mrs Lucille Hipsh

and

as sureties are held and firmly bound unto the City of Fairhope

in the sum of \$599.00 Dollars, for the payment of which well and truly to be made to the City of Fairhope, we do hereby bind ourselves, and our heirs and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated the 18th day of April in the year of our Lord, one thousand nine hundred and 67

The Condition of this Obligation is such, That whereas the above bounden

Edward A. Wallace

has on the day of the date of these presents claimed an APPEAL to the Circuit Court, next to be held in and for the County of Baldwin, in the State aforesaid, at the next Term thereof, from a judgment rendered on the 18th day of April 1967, by

Jim Shivers Esq., Recorder of the City of Fairhope and Ex-officio Justice of the Peace, in and for said City, against said Edward A. Wallace requiring him to pay said City of Fairhope

Fifty and no/100 (\$50.00) Dollars, plus costs

NOW if the said Edward A. Wallace shall appear at said term of said Circuit Court, and from term to term thereafter until discharged by due process of law, then this obligation to be void, otherwise to remain of full force and effect.

Edward A. Wallace (Seal)
Lucille Hipsh (Seal)
Joseph Hipsh (Seal)

SEALED AND DELIVERED IN PRESENCE OF

I DEMAND TRIAL BY JURY
Edward A. Wallace
Edward A. Wallace

State of Alabama
County of Baldwin

Personally appeared before me

Recorder of the City of Fairhope

and

and each, who being duly sworn, deposes and says that he is a resident of the State of Alabama, County of Baldwin, a householder and freeholder therein, and that he is worth exclusive of property exempt from execution, the amount expressed in this undertaking.

Subscribed and Sworn to before me

this.....day of.....19.....

Recorder.

Approved.....

19.....

Recorder

APPEAL BOND

VS.

CITY OF FAIRHOPE

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

P.O. Box 298

WHITEHALL 3-3601

October 5, 1962

Mr. J. A. Hendrix
Circuit Solicitor
Bay Minette, Alabama

Dear Mr. Hendrix:

I am enclosing a copy of motion to quash affidavit
in the criminal case number 3604.

Kindly call Judge Hall and advise me when it will be
convenient for a private and separate hearing on the motion
prior to the next non-jury criminal setting.

Sincerely,



James A. Brice

JAB:j

STATE OF ALABAMA
VS
EDWARD A. WALLACE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 3604

MOTION TO QUASH

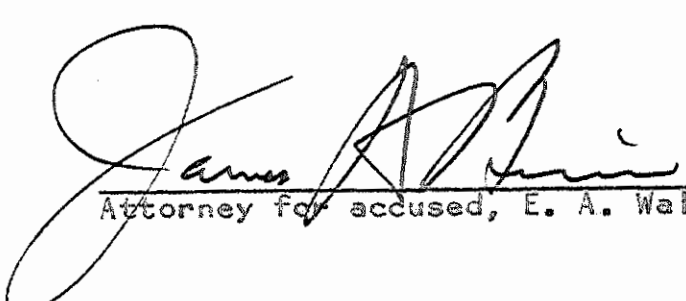
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and as grounds therefore assigns the following:

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solely and strictly a matter of interstate commerce.

2. That the activity engaged in by the accused at the time
of arrest is not such as would subject him to the license required
by the state and for the non-possession of which the affidavit
was made.

3. That the affidavit and the arrest constitute an inter-
ference with interstate commerce.

4. That the sole activity of the accused was the transport-
ation of his own shrimp in his own vehicle from Louisiana to
Florida, and only constituted a passing through the State of Ala-
bama.


Attorney for accused, E. A. Wallace

CERTIFICATE OF APPEAL. (Criminal Cases.)

_____ Baldwin _____ County, Circuit Court

VS.

Alfred J. Moore
Clerk of Circuit Court of
Baldwin County, Alabama,

Edward A. Wallace

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

Attorneys	Case	Charge
Price Foley Aln	THE STATE OF ALABAMA, Vs. Edward A. Wallace	Transporting Shrimp without proper license

Disposition of Case		Fees	Amount
Affidavit made and Warrant Issued to	James J. Phillips	Judge's Fees	\$ 2.00
Returnable		Warrant at 50c, Affidavit at 25c	
Witness—for State	James J. Phillips Jerry Payne	Bond at 50c, Sci Fa. at 50c	
		Witnesses' Recognizances at 25c	
		Subpoenas or notice at 25c	
		Continuance at 25c	
		Trial of Misdemeanor at \$1.00	
		Mittimus at 25c	
		Judgment on Forfeited Bond at 25c	
		Taking Bond, etc., on Appeal at \$1.00	
		Execution of costs at 25c	
		Constable's Fees	
		Subpoena or Notice at 25c	
		Carrying Defendant before Justice	
		each mile for himself and guard at 10c	
		Arrest 50c	
		Arrest \$2.00, Bond \$1.00, Sci Fa. 50c	
		Guard \$2.00, Finger Printing 10c	
		Subpoenas at 50c, Mileage	
		Witness Fees	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Defendant's Costs	
		Witnesses' Recognizance at 25c	
		Subpoenas at 50c	
		Executing Subpoenas	

Case Record April 14th
 Found Guilty fined \$25.00 and Cost
 Defendant demanded Jury Trial

Conservation
 Sheriff's Fees
 4.00

3608