

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~~, 196xx, 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

Vs. **Citation in Appeal**

EDWARD A. WALLACE

Issued 9th day of Jan., 1963

serve: James A. Hendrix

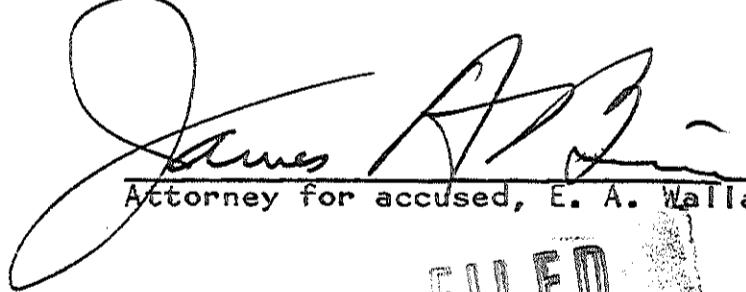
I hereby accept serving as lawyer for the
defendant Edward Wallace
1/9/63

STATE OF ALABAMA } IN THE CIRCUIT COURT OF
VS } BALDWIN COUNTY, ALABAMA
EDWARD A. WALLACE } 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.


James A. Wallace
Attorney for accused, E. A. Wallace

FILED

OCT 8 1962

CLERK
RECEIVED
CLERK, BIRMINGHAM

BAIL BOND

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, 1965, in the Justice Court
of Sam Stevens, and from time to time thereafter
until discharged by law, to answer a criminal prosecution for the offense of

until discharged by law, to answer a criminal prosecution for the offense of
Transporting and Shipping 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
September, 1967

District Game Warden

By Deputy Game Warden

E. G. Wallace (L. S.)
Palocheela Fla. (L. S.)
..... (L. S.)
Lee High (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 andagree to pay to the State of Alabama the sum of Two Hundred and Fifty (\$250.00) Dollars, unless the saidEdward 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 ofTransporting 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 ofBaldwin 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. Wallaceshall 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 T. Tysish (Seal.)

(Seal.)

(Seal.)

Approved this 24 day of November, 1962Alice J. Duck, Clerk.

MRS. Alice Duck
Circuit Clerk
Bay Minette, Ala.

No. _____

THE STATE OF ALABAMA

County.

CIRCUIT COURT OF

County

THE STATE
vs.

APPEAL BOND TO COURT OF
APPEALS
CRIMINAL CASES

Filed 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.

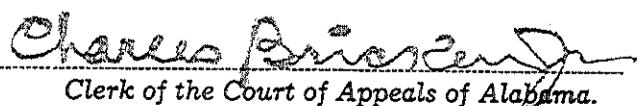
Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 28th day of May 19 63

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

~~sue eti es on the exp~~ ~~et~~ ~~app~~ ~~lant~~ ~~hand~~

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


Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 1962

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 Jim Stever

Before me, Jim Stever, 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 Elwood Angels 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., 1967
Jim Stever, J. P.

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.

No..... Page.....

The State Of Alabama
BALDWIN COUNTY

Justice Court Of

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Witnesses for the State

*OK Court of 1900
Robins*

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 deposes and says: I am a Deputy Sheriff of Baldwin Co., Ala., In the above case, in the above mentioned Court in executing the warrant of arrest of the defendant, I traveled

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

Signed

Subscribed and sworn to before me this

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

Clerk J. P. Court

Criminal Docket No.

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 }

KNOW ALL MEN BY THESE PRESENTS, That we.....
as principal, and.....

*Edward A. Wallace and
Joseph T. Lipsch*

.....
in the sum of ~~\$500.00~~ *\$500.00* 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.....
.....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 judgment rendered on the 18th day of April 1967, by.....
~~State of Alabama~~
~~Div. Stevens~~ 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~~
~~State of Alabama~~
Fifty-\$100 (\$50.00) Dollars, as a fine, or

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 Lipsch (Seal)
Joseph T. Lipsch (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

CITY OF FAIRHOP

VS.

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

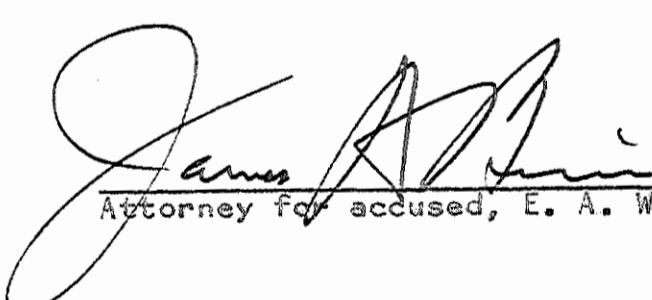
STATE OF ALABAMA
VS
EDWARD A. WALLACE

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

MOTION TO QUASH

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

Div. No. _____

CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 3604

Baldwin County, Circuit Court

EDWARD A. WALLACE,
Appellant
vs.

The State of Alabama,
Appellee

The State of Alabama,
Baldwin County, The Circuit Court of Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 21st day of November 1962, and the defendant convicted ~~by jury~~ of the offense of Transporting Shrimp without a license, and that on the 21st day of November 1962, said defendant was sentenced to a ~~term of~~ \$50.00 fine and cost, which said sentence was suspended pending an appeal to the Court of Appeals Court of Alabama.

I further certify that on this the _____ day of _____ 19____, the defendant gave notice in writing of an appeal to the _____ Court of Alabama.

Witness my hand and the seal of this Court, this the 9th day of January 19 63.

Alice J. Duck
Clerk of Circuit Court of
Baldwin County, Alabama,

Edward O. Wallace

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

Attorneys	Case	Charge
Price Faley Aley	THE STATE OF ALABAMA, Vs. Edward A. Wallace	Transporting Shrimps without proper License
Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to <i>James T. Phillips</i> Returnable	Judge's Fees	\$ 200
Witness— for State <i>James T. Phillips</i> <i>Jerry Payne</i>	Warrant at 50c, Affidavit at 25c	
	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	
Case Record, April 14 th	Constable's Fees	
Found Guilty, fined \$25.00 and Cost	Subpoena or Notice at 25c	
Defendant demanded Jury trial	Carrying Defendant before Justice each mile for himself and guard at 10c	
	Arrest 50c	
	Sheriff's Fee	
	Arrest \$2.00, Bond \$1.00, Sci Fa. 50c	
	Guard \$2.00, Finger Printing 10c	
	Subpoenas at 50c, Mileage	
Witness Fees	Witness Fees	
	Days at 50c	
Defendant's Costs	Defendant's Costs	
	Witnesses' Recognizance at 25c	
	Subpoenas at 50c	
	Executing Subpoenas	

3600