

State of Alabama, ex rel
Kenneth Cooper, Solicitor
Baldwin County, Alabama, vs.
L.H. Cipperly and One 10¢
Five Ball Pinball Machine,
No. 71253

In The Circuit Court of
Baldwin County, Alabama

In Equity

Case No. 3318

This cause coming on to be heard, is submitted for final decree upon the bill of complaint, and answer filed thereto by defendant, L.H. Cipperly, after personal service and by the consent of the said defendant, through his attorney, and upon consideration, the Court is of opinion that complainant is entitled to the relief prayed for in said bill. It is therefore,

Ordered, adjudged and decreed by the court:

(1) That the machine or device seized in this cause, and described in the bill of complaint filed herein, is a gambling device, the possession, ownership or operation of which is prohibited by law, and that the said machine or gambling device be and the same together with its contents, is hereby forfeited to the State of Alabama, and that said gambling device be destroyed by the Sheriff of Baldwin County, Alabama, Hon Taylor Wilkins, in the presence of the Register of the Circuit Court of Baldwin County, Alabama, in Equity.

(2) That the sheriff of Baldwin County, Alabama, the said Taylor Wilkins, before destroying said gambling device, shall open the same in the presence of the Register of this Court; take therefrom any money or property found therein, and turn over and deliver to the said register said money or other said property; that the Register shall pay to the officer or officers making the seizure one-half of the money taken from said machine, and shall pay the remaining one-half into the General Fund of Baldwin County, Alabama.

(3) That the respondent pay the costs of this proceeding, for which let execution issue.

(4). That if the Sheriff of Baldwin County, the said Taylor Wilkins, is unable to collect the costs by execution, the Register will collect said costs from the County of Baldwin as the law directs in Stateofail cases.

Done this 19th day of July, 1955.

Hubert M. Hall

Circuit Judge

FILED
JUL 20 1955
ALICE J. DUCK, Registered

STATE OF ALABAMA EX REL
KENNETH COOPER, SOLICITOR,
BALDWIN COUNTY, ALABAMA

VS

L. H. CIPPERLY AND
One 10¢ pinball machine

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

CASE # 3318

Comes now the Respondent in the above styled cause and for answer to the Solicitor's complaint says as follows:

1.

The Respondent, L. H. Cipperly, admits the allegations as to Section 1.

2.

He admits the allegations as to Section 2.

3.

The Respondent denies that the machine seized by Taylor Wilkins, Sheriff of Baldwin County, is a gambling device. Not being informed of the other allegations of Section 3, the Respondent denies them also.

4.

Not being informed of the contents of the Sheriff's Report of seizure, the Respondent denies the allegations of Section 4 and says further that if the Sheriff's report described this machine as "One (1) 10¢ Five Ball Pinball Machine Serial # 71253; it is incorrect. This is a Pennant Baseball game played with seven balls. It is not a pinball machine and is not a gambling device.

5.

The Respondent admits the allegations of Section 5.

6.

The Respondent denies the allegations of Section 6 and says that this machine was designed for amusement only and is not a game of chance, nor a gambling device. This game is played on a rectangular table mounted on four legs. The playing field is on top of the table and under a glass covering. Inserting a coin in a slot, releases six balls to be used in playing the game. By pressing a button the player causes a ball to be thrown from the center of the playing field toward himself. A bar is fastened in the area thru which the ball is thrown. A handle is mounted outside of the playing field. By turning this handle the player can strike the ball. The timing

of the strike and the weight with which the ball is struck is controlled by this player by this handle. The ball is hit into the playing field; which is a semi-circle of holes on the end of the playing area opposite the player. These holes are marked "Out" "One base hit" - etc.

The skill of the player in hitting the ball/^{determines} which hole the ball is batted into and determines the score he makes in playing a game. This is a miniture baseball game. That it does not come within the purview of Title 14, Section 283 of the Alabama Code of 1940 as amended. That it does not pay off money, merchandise or otherwise; that it cannot be rigged, changed or rewired so as to pay off. That a player cannot win anything of value on this machine. It is so designed that it can be played by one player only and his score is determined by his skill and not by lot, luck, chance or mechanical control. That a player knows with absolute certainty what he will get for his coin before he plays, that being the right to play a game on the machine and a free game if he makes a high enough score.

Horne & Webb

Robert M Brantley
Solicitor for the Respondent.

3318

RECORDED

FILED
SEP 4 1954
U.S. DIST. COURT, DISTRICT OF COLUMBIA

Handwritten signature/initials

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

Handwritten text

000-810

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon L. H. Cipperly
and one 10¢ Pinball Machine

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-
plaint filed in said Circuit Court, in equity, for said County of said State by

State of Alabama ex rel Kenneth Cooper, Solicitor

against L. H. Cipperly and One 10¢ Pinball Machine

Herein fail not. Due return make of this writ as the law directs.

Witness this 4th day of August, 19 54

Devin J. Smith, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

6000 013 PMS 336

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon L. H. Cipperly and one ^{5¢}~~box~~ Pinball machine

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by State of Alabama
ex rel Kenneth Cooper, Solicitor

against L. H. Cipperly and one 5¢ Pinball Machine

Herein fail not. Due return make of this writ as the law directs.

Witness this 14th day of August, 19 54

Reese - Reese, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6523-6529

STATE OF ALABAMA, ex rel
KENNETH COOPER, SOLICITOR,
BALDWIN COUNTY, ALABAMA,
vs.
L.H. CIPPERLY AND ONE 10¢
FIVE BALL PINBALL MACHINE,
SERIAL NO. 71253.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

BOOK 018 PAGE 37

TO THE HONORABLE HUBERT M. HALL, OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your petitioner, Kenneth Cooper, as Solicitor of the 28th
Judicial Circuit of Alabama, and respectfully shows and informs the
Court of the following facts:

(1). That your complainant, Kenneth Cooper, is the Circuit
Solicitor for Baldwin County, Alabama, and is authorized by law to bring
this bill.

(2). That L.H. Cipperly is a resident of Escambia County, Alabama,
and is over the age of twenty-one years.

(3). That on, to-wit, July 12, 1954, Taylor Wilkins, Sheriff of
Baldwin County, Alabama, did find and seize in Baldwin County the
gambling device hereinafter described, and has reported such seizure
and detention to your complainant.

(4). That the said report of seizure and detention of said
personal property shows that said sheriff has seized and holds the
following described gambling device, to-wit:

One (1) 10¢ Five Ball Pinball Machine, Serial No. 71253.

(5). That the said above described machine when seized and removed
was in the possession of J.C. Capps at Bay Minette, Alabama, and your
orator is informed and on such information believes and states that the
said machine is the property of L.H. Cipperly.

(6). Your complainant charges and avers that the above described
machine is a gambling device within the meaning of Section 283, Title 14,
Code of Alabama, 1940.

The premises considered, your orator prays that the said L.H. Cipperly be made a party respondent to this bill of complaint, that summons issue requiring him to plead, answer or demur to this bill of complaint under the rules of this Honorable Court, and within the time prescribed by law; and that on the final hearing of this cause that the court will make and enter a decree declaring that the above named article is a gambling device, that same be forfeited with its contents to the State of Alabama, and be destroyed.

And the Complainant prays for such other, further and additional relief, decrees and orders as may be necessary to accomplish such condemnation and destruction of said gambling device as illegal gambling device under the laws of Alabama.

Kenneth Cooper

Solicitor,

28th Judicial Circuit

State of Alabama