

State of Alabama, ex rel
Kenneth Cooper, Solicitor
Baldwin County, Alabama, vs.
L.H. Cipperly and One 5¢
Five Ball Pinball Machine
No. 48162.

In The Circuit Court of
Baldwin County, Alabama

In Equity

Case No. 3320

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 togetherwith its contents, is hereby forfeited to the State of Alabama, and that said gambling device be destroyed by the Sheriff of Baldwin County, 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, 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; and 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 is unable to collect the costs by execution, the Register will collect said costs from the County of Baldwin as the law directs in State fail cases.

Done this 19th day of July, 1955.

Hubert M. Hall

Circuit Judge

RECORDED

FILED
JUL 20 1955
ALICE J. MUCK, Register

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

VS

L. H. CIPPERLY AND
one 5¢ Pin Ball Machine

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
CASE # 3320

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 that if the Sheriff's Report describes this machine as One (1) 5¢ Five Ball Pinball Machine, Serial No. 48162, William Jeolopy Automobile Racing Machine it is incorrect. This is a William Jeolopy Auto Race - a six ball game, 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. 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

Julius M. Brantley
Solicitors for the Respondent

33 ²⁰ RECORDED

FILED

SEP 4 1954

ALICE J. DUCK, Register

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

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¢ Pin Ball 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¢ Pin Ball Machine

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

Witness this 4th day of August, 1954

Reing J. [Signature], Register.

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

Code 1923-6528-6529

STATE OF ALABAMA, ex rel
KENNET COOPER, SOLICITOR
BALDWIN COUNTY, ALABAMA,
vs.
L.H. CIPPERLY AND ONE 5¢
FIVE BALL PONBALL MACHINE,
NO. 48162

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

TO THE HONORABLE HUBERT M. HALL, OF THE CIRCUIT COURT OF BALDWIN
COUNTY, 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, State of 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 9, 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 the seizure and detention of said
personal property shows that said sheriff has seized and holds the
following described gambling devices, to-wit:

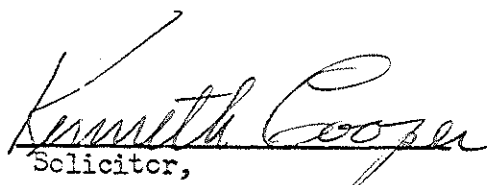
One (1) 5¢ Five Ball Pinball Machine, Serial No. 48162,
Williams Jeolopy Automobile Racing Machine.

(5). The said above described machine when seized and removed was
in the possession of Clarence Carman at Loxley, 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.


Solicitor,

28th Judicial Circuit,

State of Alabama