

(3563)

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 HOWARD C. WARD

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 OF ALABAMA, ex rel KENNETH COOPER, Solicitor For Baldwin County, Alabama.

against HOWARD C. WARD

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

Witness this 8th. day of July, 1955.

Reid J. Hensley, Register.

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

Code 1923-6528-6529

BOOK 018 PAGE 426

No. 3563

Page

The State of Alabama

BALDWIN

COUNTY.

IN CIRCUIT COURT, IN EQUITY

STATE OF ALABAMA, ex rel. KENNETH COOPER

Solicitor For Baldwin County, Alabama
vs.

HOWARD C. WARD

SUMMONS

Returned by the Sheriff and filed in office, this
the day of, 19

, Register.

Received in office, this the day of

, 19

, Sheriff.

I have executed the within by leaving a copy

thereof with

defendant named herein, on this the

day of, 19

, Sheriff.

By, Deputy.

STATE OF ALABAMA, ex rel
 KENNETH COOPER, Solicitor For
 Baldwin County, ALABAMA, Com-
 plainant, Vs.
 ONE FORD AUTOMOBILE,
 MOTOR NO. BOAT-143250, Respond-
 ent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.

IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN
 EQUITY SITTING:

Comes the Complainant, the State of Alabama, on the relation
 of Kenneth Cooper, as Solicitor of the 28th Judicial Circuit,
 Baldwin County, Alabama, who relates and gives the Court to under-
 stand and be informed of the following facts, to-wit:

(1) That Kenneth Cooper, as Solicitor of the 28th Judicial
 Circuit, Baldwin County, Alabama, is authorized to bring this
 bill for condemnation proceedings of the property hereinafter
 described;

(2), That Howard C. Ward, who is over the age of twenty-one
 years, is a resident of Tallapoosa, Georgia;

(3) That Howard C. Ward, on to-wit, 27 May, 1955, did use
 one Ford automobile, motor No. BOAT-143250, for the illegal con-
 veying or transporting of liquors or beverages in this County
 and State.

Wherefore, the premises considered, your orator prays that
 a summons issue or appropriate notice by publication or other
 lawful means of notice be made to the said Howard C. Ward, re-
 quiring him to plead, answer or demur to this bill of complaint
 under the rules of this Honorable Court, within the time allowed
 by law, and that on the final hearing of this cause Your Honor
 will make and enter a decree condemning the above described
 property as contraband, forfeiting same to the State of Alabama,
 and directing the sale of same as provided by law, and your
 complainant prays for such other, further and/or different re-
 lief as he may in equity and good conscience be entitled to

Kenneth Cooper
 Solicitor, 28th Judicial Circuit

Subscribed and sworn to before
 me this 8 th day of July, 1955.

Hubert M. Hall

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

VS.

ONE FORD AUTOMOBILE, MOTOR NUMBER
BOAT-143250.

RESPONDENT.

IN THE CIRCUIT
COURT OF BALDWIN
COUNTY, ALABAMA

IN EQUITY.

NO. 3563

ANSWER AND CLAIM OF HOWARD C. WARD

Now comes the Howard C. Ward, and for answer to the Petition or Bill of Complaint filed in this cause, and separately and severally to each and every paragraph thereof, says as follows, to-wit:

1. Claimant admits the allegations of Paragraphs No. 1 and 2.
2. Claimant denies the averments of Paragraph 3.

Now having answered said Petition or Bill of Complaint, Howard C. Ward avers that at the time mentioned therein said Ford automobile was travelling in inter-state commerce, to-wit, from Mississippi, to Buchanan, Georgia, and said automobile was then and there in course of inter-state transportation through the State of Alabama from the State of Mississippi, to Buchanan Georgia; Respondent avers that he is a resident of the State of Georgia; that on or about the 27th day of May, 1955, he purchased fifty (50) cases of Federal Tax Paid Liquors from a dealer in Mississippi, and had said liquors loaded into said automobile for the purpose of transporting said liquors to Buchanan, Georgia; Respondent avers at the time of seizure of said automobile and liquors said automobile and said liquors were enroute to the State of Georgia, from the State of Mississippi, in inter-state commerce; Respondent avers that none of said liquors were disposed of in violation of the laws of Alabama, nor was it intended that any of said liquors be disposed of in the State of Alabama; and Respondent avers that such liquors and the vehicle aforesaid transporting them are entitled to the immunity afforded to lawful inter-state commerce while passing through the State of Alabama and that such liquors and vehicle are not subject to seizure and condemnation under the laws of Alabama; Respondent avers that such liquors are not contraband and were nor contraband when seized, and that said vehicle was not used in violation of any laws of the State of Alabama at the time of seizure or at any time; Respondent Howard C. Ward avers that he is the owner of said vehicle and that there are no outstanding claims against said vehicle and that he will suffer a great loss financially and otherwise if this Court orders said vehicle condemned and forfeited as prayed for in said Petition of the Circuit Solicitor of said Baldwin County, Alabama.

Howard C. Ward
Howard C. Ward

State of Alabama
County of Tuscaloosa

Before me the undersigned authority personally appeared Howard C. Ward who being first duly sworn deposes and says that the above stated facts are true and that this his verified claim be filed in the above cause.

Sworn to and subscribed
before me this 26 day
of July, 1955.

Howard C. Ward
Jac. H. McGuire
Notary Public

[Handwritten notes in left margin]

[Handwritten notes in left margin]

[Faint handwritten notes in right margin]

FILED

JUL 2 1955

ALICE J. DICK, REGISTRAR

RECORDED

595E

LEGAL NOTICE

STATE OF ALABAMA, ex rel
KENNETH COOPER, SOLICITOR OF BALDWIN COUNTY, ALABAMA
VS.
ONE FORD AUTOMOBILE,
MOTOR NO. BOAT-~~143250~~ 143250
RESPONDENT

IN EQUITY NO 3563

By order of decree rendered by Hon. Hubert M. Hall, Judge of the
Circuit Court, Baldwin County, Alabama, *in the above styled Cause* on the 10th day of August 1955,
I, Alice J. Duck, Register of the Circuit Court, will sell the hereinabove
described automobile, to-wit, one Ford 2-door automobile, motor number BOAT-
143250, model 1950, at public outcry to the highest bidder for cash, at
Baldwin County, Alabama Courthouse, Bay Minette at 12:00 Noon on the 20th
day of September 1955.

Alice J. Duck
Register, in Equity

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

Legal Notice

State of Alabama, ex rel,
Kenneth Cooper, Solicitor for
Baldwin County, Alabama, Com-
plainant, vs. One Ford Auto-
mobile, Motor No. Boat 143250, Re-
spondent.

In Equity, No. 3563.

By order of decree rendered by
Hon. Hubert M. Hall, Judge of the
Circuit Court, Baldwin County,
Alabama, in the above styled
cause, on the 10th day of August
1955, I, Alice J. Duck, register of
the Circuit Court, will sell the
hereinabove described automo-
bile, to-wit, one Ford 2-door auto-
mobile, motor number BOAT-

143250, Model 1950, at public out-
cry to the highest bidder for cash,
at Baldwin County, Alabama
Courthouse, Bay Minette at 12.00
Noon on the 20th day of Septem-
ber 1955.

ALICE J. DUCK,
Register, In Equity
32-3tc

DAVIT OF PUBLICATION

E. R. Moussette, Jr. being duly sworn, deposes and says
that he is the ~~PUBLISHER~~ of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Sale - Ford Auto

COST STATEMENT

126 WORDS @ 5 cents — — \$ 6 ³⁰
I hereby certify this it correct, due and unpaid (paid).

E. R. Moussette Jr.
Editor Publisher.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Aug 25, 1955 Vol. 66 No. 32

Date of 2nd publication Sept 1, 1955 Vol. 66 No. 33

Date of 3rd publication Sept 8, 1955 Vol. 66 No. 34

Date of 4th publication _____, 195____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 12 day of Sept, 1955

Darrel Martin
Notary Public, Baldwin County.

E. R. Moussette Jr.
Editor Publisher.

STATE OF ALABAMA ex rel
KENNETH COOPER, SOLICITOR OF
BALDWIN COUNTY, ALABAMA,
COMPLAINANT, vs
ONE FORD AUTOMOBILE,
MOTOR NO. BOAT-143250, RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 3563

This cause coming on to be heard was submitted for final decree upon the bill of complaint, answer and claim of Howard C. Ward, and testimony taken orally in open court, neither the respondent, Howard C. Ward, nor his attorney being present after being duly notified that the case was set for hearing this date, and the same being considered and understood the Court is of the opinion that the Petitioner is entitled to the relief prayed subject to the claim hereinafter fixed and allowed.

It is ordered, adjudged and decreed by the Court that the Register of this Court be and hereby is authorized, ordered and directed to sell the hereinabove described automobile, to-wit, one Ford 2-door automobile, motor No. BOAT-143250, model 1950, at public outcry to the highest bidder for cash, at the Baldwin County, Alabama, Courthouse, Bay Minette, Alabama, on September 20, 1955, after first giving notice by publication once a week for three consecutive weeks, in some newspaper published in Baldwin County, Alabama.

It is further ordered, adjudged and decreed by the Court that after first deducting all costs herein accrued that the Register distribute the remainder in strict accordance with the statutes in such cases made and provided.

Done and ordered this 10th day of August, 1955.

Hubert M. Hall

Circuit Judge, In Equity Sitting

JIMMY FAULKNER
PUBLISHER

THE BALDWIN TIMES
BALDWIN COUNTY
Alabama's Best County's Best Newspaper
BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Monizette, Jr., being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

State vs. Ford Automobile

State of Alabama, ex rel,
Kenneth Cooper, Solicitor for
Baldwin County, Alabama, Com-
plainant, vs. One Ford Automo-
bile, Motor No. Boat 143250, Re-
spondent.

In Equity, No. 3563.

By order of decree rendered by
Hon. Hubert M. Hall, Judge of the
Circuit Court, Baldwin County,
Alabama, in the above styled
cause, on the 10th day of August
1955, I, Alice J. Duck, register of
the Circuit Court, will sell the
hereinabove described automo-
bile, to-wit, one Ford 2-door auto-
mobile, motor number BOAT-
143250, Model 1950, at public out-
cry to the highest bidder for cash,
at Baldwin County, Alabama
Courthouse, Bay Minette at 12.00
Noon on the 20th day of Septem-
ber 1955.

ALICE J. DUCK,
Register, In Equity
32-3tc

COST STATEMENT

126 WORDS @ 5 cents 30 \$ 6

I hereby certify this it correct, due and unpaid (paid).

E. R. Monizette Jr.
Editor Publisher

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication Aug. 25, 1955 Vol. 66 No. 32

Date of 2nd publication Sept. 1, 1955 Vol. 66 No. 33

Date of 3rd publication _____, 195____ Vol. _____ No. _____

Date of 4th publication _____, 195____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 7 day of Sept, 1955

Dorothy Martin
Notary Public, Baldwin County.

E. R. Monizette Jr.
Editor Publisher

\$125.00
For two copies

STATE OF ALABAMA,
EXREL. ON RELATION OF
KENNETH COOPER,

VS.

H. C. WARD.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

AUGUST 10, 1955.

WILLIAM BICKLEY, A WITNESS FOR THE STATE, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct examination by Mr. Cooper.

Q. What is your name, please?

A. William Bickley.

Q. What is your occupation?

A. Enforcement agent for the Alabama Alcoholic Control
Board.

Q. How long have you been in such employment?

A. About one and a half years.

Q. What are your duties as such agent?

A. Enforcing the liquor laws of the State of Alabama.

Q. I will ask you, did you, on or about May 27, 1955, ~~xxxx~~ see
the Respondent, Howard C. Ward?

A. Yes sir.

Q. Whereabouts?

A. About one mile east of the Mobile cause-way in Baldwin County,
at a place known as Shiver's Service Station.

Q. Did you stop him at that time and place?

A. I did.

Q. How was he travelling?

A. In a 1950 Ford automobile.

Q. Who was with him?

A. Charles Wade Walters.

Q. What was he doing?

A. Transporting inter-state whiskey.

Q. Did you seize anything from him?

A. Yes sir.

Q. What did you seize-- Did you get an automobile?

A. We did.

Q. What kind of automobile?

A. 1950 Tudor.

Q. Did you seize anything else from him at that time?

A. Yes sir.

Q. Did you, yourself at that time, check the motor number?

A. Didn't check the motor number at that time.

Q. Did you later check the motor number?

A. Yes sir.

Q. What was the motor number?

A/ Boat-143250.

Q. You say you got a quantity of whiskey?

A. Yes sir.

Q. Different brands?

A. There was.

Q. Will you please tell the Court the different brands of whiskey seized and the quantity of each?

A. Thirty cases was the total.

Q. 30 cases in all?

A. Yes sir. 144 pints of Old Taylor, 72 pints Bourbon DeLux, 72 pints of early Times; 72 pints Lord Calverts, 72 pints Calvert's Reserve; 72 pints of Segrums; 72 pints Cabin Still; 48 pints of Gilby's Gin; 192 Half Pints Calverts Reserve.

Q. Now I will ask you, did this Whiskey have the Federal Stamp; on it?

A. Yes sir, I think it did; I didn't check too closely.

Q. I will ask you, did it have the Alabama Whiskey Revenue Stamp on it?

A. No.

Q. I will ask you, was there a bill of lading?

A. Yes sir.

Q. Who gave it to you?

A. Howard C. Ward.

Q. Mr. Bickley, I will show you a document, and ask you to examine that. Is that the bill of lading which Mr. Howard C. Ward, the Respondent in this case gave you that night you seized the said automobile and whiskey; you just enumerated?

A. It is.

Q. Where does that whiskey - Where does that bill of lading show that the whiskey was shipped from?

A. J. W. Barnett, Jr. Vossburg, Mississippi.

Q. To whom was the bill of lading made out?

A. H. C. Ward, 100 Kilson Avenue, Tallapoosa, Georgia.

Q. Is that the document which is the bill of lading that you say he gave you the same night that you stopped him - when you seized the whiskey?

A. It was.

MR. COOPER: The State would like to offer, as State's Exhibit

A. a bill of sale to said whiskey which was seized on the night of May 27, 1955.

Q. Now I will ask you, if you had a conversation with the Respondent, Howard C. Ward that night relative to the automobile and whiskey which you seized at that time?

A. Yes sir.

Q. Where did you have the conversation with him?

A. The first conversation was on the road where we stopped him.

Q. Did you have another conversation with him?

A. Yes, at the Baldwin County jail.

Q. Was any one with you at the time you had the conversation with him at the scene?

A. Yes, Mr. R. E. Jones.

Q. Who is he?

A. Agent of the Enforcement Division of the Alabama Alcoholic Control Board.

Q. Where did Mr. Ward tell you that the whiskey was being taken
(page 4)

A. Tallapoosa, Georgia.

Q. Did you ask Mr. Ward if he had received a permit from the State of Alabama to move the whiskey across the State line?

A. Yes sir.

Q. What did he tell you?

A. No.

Q. I will ask you what was the number of the license tag on the automobile which you seized?

A. Alabama Tag 31-6935.

Q. Did you ask Mr. Ward if he owned that automobile?

A. I did.

Q. What did he tell you?

A. That he did.

Q. Did he tell you where he had bought the automobile?

A. He said he bought it on a used car lot in Atlanta, Georgia.

Q. Did he tell you how long he had been in possession of, or had owned the automobile prior to the time you apprehended him?

A. About two months.

Q. Did he say to whom the whiskey belonged?

A. He said it belonged to him.

Q. Now what disposition did you make of the automobile and whiskey that night after you seized it on the highway?

A. We carried it to Montgomery and stored it in the Central Warehouse and got a receipt from Mr. Burt, our Chief for it.

Q. Did you all remove the whiskey from the automobile when you got to Montgomery?

A. Yes sir.

Q. Did you find anything else in the car?

A. License plate - Georgia.

Q. Where was that in the car?

A. Immediately behind the back seat; between the back of the front seat and the whiskey.

Q. How was the whiskey stored in the automobile?

A/ Stacked in cases; 18 cases were the back seat should have been and 12 cases in the trunk.

Q. Was the back seat in the car?

A. No sir.

Q. The back seat was missing?

A. Yes sir.

Q. And there were 18 cases back there and 12 cases in the trunk?

A. That's correct.

Q. Now you stated that you had a conversation with Mr.

Howard C. Ward at the scene relative to this whiskey. Did he tell you from whom he had bought it?

A. He showed me a bill of sale; he didn't call any name; he said he had a bill of sale for the whiskey.

Q. Did he tell you when he bought it?

A. That day.

Q. Did he tell you what route he was taking to Tallapoosa, Ga?

A. He did not.

Q. Now this seizure, that was made in Baldwin County, Alabama, was it not?

A. It was.

Q. Now you say there was a conversation between you and Mr. Ward at the Baldwin County jail?

A. Yes.

Q. What did he tell you there?

A. Well we were questioning him about the whiskey and he said he had bought it in Mississippi and was in route to Tallapoosa, Georgia; that he picked up a part of the whiskey in Vossburg, Mississippi and finished loading in New Orleans at the warehouse and came this far.

Q. Did he make any statement about having hauled whiskey from there before?

A. Not to me.

Q. What highway was this whiskey seized on?

A. Highway 31.

Q. U. S. Highway 31?

A. Yes sir.

Q. Was Howard C. Ward driving the automobile that night?

A. He was.

Q. About what time was the seizure made?

A. About -- It was made at 9:45.

Q. I will ask you this; Had you followed the car any prior to the

time you seized it and the liquors?

A. We had followed it about three miles.

Q. Where did you first see the automobile on U. S. 31?

A. Old Spanish Fort.

Q. What direction was it going in?

A. North on 31.

Qa. Who was with you?

A. Mr. R. E. Jones.

Q. Any one else?

A. No sir.

Q. How far did you follow it?

A. About three miles.

Q. When you stopped the car was it moving?

A. Yes sir.

Q. After you stopped the car and walked up to him what did you tell Mr. Ward?

A. I told him I was a State Beverage Control Officer, and he immediately told me that he had a load of whiskey.

Q. Did he tell you anything else?

A. I asked him if he had an Alabama Stamp and he said "No".

Q. Did you ask him if he had a permit?

A. Yes, and he said "no".

Q. Did he say anything about making a telephone call?

A. He said that he had called his Attorney and I asked him who it was and he said Jack McGuire and he said he asked Jack McGuire

if they had changed the law and Jack said "no".

Q. Did he indicate what particular law he was talking about?

A. He did not.

MR. R. E. JONES, A WITNESS FOR THE STATE, BEING FIRST DULY SWORN,
TESTIFIED:

Direct Examination by Mr. Cooper.

Q. What is your name?

A. R. E. Jones.

Q. Who are you employed by?

A. The State of Alabama.

Q. How long have you been in such employment?

A. Close to 14 years.

Q. What is your position?

A. With the Beverage Control and Enforcement Division.

Q. What are your duties?

A. Enforcing the liquor laws of the State.

Q. Name some of the particular duties?

A. Any violation of the liquor laws and investigation of the
liquor laws.

Q. I will ask you, did you, on May 27, 1955, see the Respondent,
Howard C. Ward?

A. Yes, sir.

Q. Whereabouts did you see him?

A. About three miles north of Spanish Fort.

Q. Who was with you?

A. William Bickley.

Q. Were you in the same car together?

A. We were.

Q. Where did you first see the automobile Mr. Ward was travelling in?

A. We were watching highway 31 at Spanish Fort and when the car passed we followed him three miles down the road and stopped him at Shiver's Service Station.

Q. I will ask you, did you and Agent Bickley seize anything from the Respondent?

A. We seized 30 cases of whiskey.

Q. What else?

A. The automobile.

Q. What kind of automobile was that?

A. 1950 Tudor. Ford.

Q. Did you check the license number on the automobile?

A. We did.

Q. What was that number?

A/ License No. 31-6935.

Q. Did you at that time or later check the motor number?

A. Well we checked the motor number with the tax registration -

Q. Was that the same?

A. Same.

Q. I will ask you this: You said you seized this automobile?

- A. We did.
- Q. Could you tell the Court the brands and quantity of liquor found in the automobile which you seized at that time?
- A. 144 pints of Old Taylor; 72 pints of Bourbon DeLux, 72 pints of Early Times; 72 pints of Lord Calvert's; 72 pints of Calvert's Reserve;
- 72 pints of Seagram's Seven Crown; 72 pints Cabin_____
- 48 pints Gilby's Gin; 192 half pints of Calvert's Reserve.
- Q. I will ask you was there a bill of lading, or did Mr. Ward have a bill of lading for said liquor?
- A. We got the bill of lading at the Baldwin County jail.
- Q. I will ask you to look at this document which has been introduced as State's Exhibit A and ask if you have ever seen that before?
- A. Yes sir.
- Q. Is that the bill of lading Mr. Ward gave you to -- gave you on the whiskey which he had in his possession?
- A. It is.
- Q. Where did that bill of lading show this whiskey was to be shipped to?
- A. Tallapoosa, Georgia.
- Q. To him?
- A. To Howard C. Ward.
- Q. From whom was the bill of lading?
- A. J. W. Barnett, Jr.

Q. From Where?

A. Vossburg, Mississippi.

Q. Did you or Mr. Bickley ask the Respondent, Mr. Ward, if he had a permit to move the whiskey across the State of Alabama?

A. We did.

Q. What did he say?

A. He said he did not.

Q. Did he tell you who owned that automobile?

A. He said he had bought this car two months prior to the time we arrested him.

Q. Did he tell you where he bought the automobile?

A. From a used car lot in Atlanta.

Q. Did he tell you who was the owner of that whiskey?

A. He said he was.

Q. In what County did this seizure take place?

A. In Baldwin County, Alabama.

Q. On U. S. Highway 31?

A. U. S. Highway 31.

Q. What disposition did you and Mr. Bickley make of the whiskey and the automobile?

A. Carried it to Montgomery and stored the whiskey at the Central office.

Q. Who did you turn it over to?

A. Mr. Burton.

Q. Who is he?

A. Chief of the Alabama Alcoholic Control Board.

Q. Did you find anything in the automobile when the whiskey was removed?

A. A Georgia tag on the floor board.

Q. It wasn't attached to the automobile?

A. No.

Q. Did Mr. Ward say anything to you or Agent Bickley relative to the tag?

A. We didn't see the tag that night.

Q. You found it the next morning?

A. Yes sir.

Q. You didn't know about it that night?

A. No.

THE COURT: Was that a 1955 tag?

WITNESS: Yes.

MR. J. T. BURTON, A WITNESS FOR THE STATE, BEING FIRST DULY
SWORN. TESTIFIED AS FOLLOWS:

Direct examination by Mr. Cooper.

Q. What is your name, sir?

A. J. T. Burton.

Q. What is your occupation?

A. Chief of the Enforcement Division of the Alabama Alcoholic Control Board.

Q. Alabama Alcoholic Beverage Control Board?

A. Yes sir.

Q. How long have you been in such employ?

A. Since March, 1948.

Q. Tell the Court what your duties are as Chief of the Alabama Alcoholic Beverage Control Board?

A. That covers a lot.

Q. Briefly?

A. Putting the agents in the field and givin them instructions as to what to do and making their assignments.

Q. Are you the general supervisor of the Alabama Alcoholic Beverage Control Board?

A. I am.

Q. I will ask you, whenever an individual wants to move whiskey across Alabama, if he makes application for permit to move it, do you have anything to do with seeing that that is issued?

A. No, that is usually issued by the Administration.

Q. Are you informed of it?

A. I receive a copy from the Cashier.

Q. I will ask you this: Does Mr. William Bickley and Mr. R. E. Mones work under you as enforcements agents for the Alabama Alcoholic Beverage Control Board?

A. They do.

Q. Does Mr. John C. Lamber?

A. Yes.

Q. Does Mr. James C. Gilmore?

A. Yes.

Q. Does Mr. J. M. Harris also work under you?

A. He does.

Q. They all, you say, work under you?

A. Yes.

Q. Were those agents, whose names I have called, working under you during May of 1955?

A. They were.

Q. I will ask you, Mr. Burton, did officers, or agents, Bickley and Mones turn over to you a Ford automobile and a quantity of whiskey which they reported to you as having been seized from Howard C. Ward?

A. Yes sir.

Q. Do you know the approximate date they turned this over to you?

A. On the morning of May 28th -- The next morning after they seized it.

Q. I will ask you where is the automobile they turned over to you now?

A. Stored at the central warehouse.

Q. What kind of automobile is that?

A. It is a 1950 Ford, Tudor.

Q. Do you know the license number on the automobile?

A. 31-6935 - Alabama.

Q. Do you have the motor number of that same automobile?

A. Yes: Boat 14350.

Q. That automobile is still in your possession?

A. Yes.

Q. I will ask you, can you tell the Court the brands of whiskey which was turned over to you and the quantities of each?

A. There was 30 cases all told.

Q. Tell the Court the various brands?

A. 144 pints of Old Taylor, 72 pints Burbon DeLux, 72 pints Early Times, 72 pints Lord Calverts.

72 pints Calvert's Reserve; 72 pints Seagram's Seven Crown; 72 pints Cabin Still, 48 pints of Gilby's Gin and 192 half pints of Calvert's Reserve.

Q. Where is that whiskey now?

A. It is stored in the Central Warehouse.

Q. I will ask you: Does that whiskey bear the Alabama Luquor stamp ~~on~~ on it?

A. It does not.

Q. Does any of it?

A. It does not.

Q. Does it have the Federal Stamp on it?

A. It has the Federal Stamp;

Q. I will hand you herewith a document and ask you to examine that, please sir? Have you seen that document before?

A. Yes sir.

Q. Will you tell the Court there what that document is?

A. It is a regulation which was passed or promulgated by the Alabama Alcoholic Beverage Control Board.

Q. What does this regulation purport to do?

A. Regulation to regulate the transportation of whiskey through the State of Alabama.

Q. That is where?

A. Non-Residents.

Q. In otherwords, this regulates the movement of intoxicating liquors across the State of Alabama from one State across Alabama into a third state, is that correct?

A. Yes sir.

Q. Can you tell the Court when this particular regulation, -- What is the number of that regulation?

A. Regulation number 25.

Q. Can you tell the Court the date on which the Alabama Alcoholic Beverage Control Board promulgated this Regulation?

A. the 19th day of March, 1955.

Q. Was that in effect on May 27, 1955?

A. It was.

Q. I will askyou if you will, --

MR. COOPER: First, I would like to offer as State's Exhibit

B. Regulation 25, which has been identified by the witness, Mr. Burton, as Rules and Regulations promulgated on the 28th day of March, 1955, by the Alabama Alcoholic Beverage Control Board at Montgomery, Alabama, for the control or to govern the movement of intoxicating liquors across the state of Alabama

From one State to a third State.

Q.

Q. I will ask you did Mr. Howard C. Ward, on May 27, 1955, or immediately thereafter obtain from the Alcoholic Beverage Control Board the permit required by the Regulation no. 25, to move any whiskey from the State of Mississippi through Alabama, and into the State of Georgia?

A. He did not.

Q. Has he ever been given such permit?

A. He has not.

THE COURT:

Q. Mr. Burton, you have personal knowledge of this regulation?

A. Yes sir.

THE COURT: You know it is in force and effect now?

A. Yes. It has been a regulation since 1951.

MR. COOPER CONTINUES:

Q. actually, what is the procedure when a new A. B. C. Board takes over? Do they republish or repromulgate the rules?

A. Yes sir, each Board.

Q. The Board, prior to the present Board, also had the same rule in effect?

A. Same regulation.

Q. What was the regulation for the prior board?

A. You mean the number?

Q. Yes?

A. 33.

Q. I hand you herewith, Mr. Burton, the original of a letter addressed to you and ask you if you will examine that.

(Hands witness letter) Have you ever seen that before?

A. Yes sir.

Q. Who is the letter from?

A. Mr. Gleen J. _____/

Q. What is his position?

A. He is Supervisor in Charge of the Alabama Tobacco unit in Jackson, Mississippi - Supervisor in charge of the State of Mississippi.

Q. Is he responsible for the issuance of a wholesale dealer's license to agents in Mississippi who sell whiskey wholesale?

A. It comes through that Department. It is a separate department from the Stamp division.

Q. You have read the contents of that letter, have you not?

A. Yes sir.

Q. After reading the letter, could you tell the Court whether or not, on May 27, 1955, Mr. J. W. Barnett, Jr., had a wholesale Liquor dealer's license on that date from the Federal Government?

A. From the information in this letter he did not.

Q. Can you tell the Court from that letter there the date that Mr. Barnett was issued a wholesale Dealer's license?

A. To handle liquor in Mississippi?

Q. Yes?

A. License was issued June 3, 1955.

Q. I will ask you, Mr. Burton, were you present when the 30 cases of whiskey which you have named in this case, were taken from the automobile driven by Howard C. Ward and brought to you by Agents Bickley and Jones?

A. Yes sir.

Q. Did you find anything in the automobile other than the whiskey?

A. A Georgia License tag.

Q. What was done with the Georgia License tag at the time the whiskey was turned over to you or unloaded in the warehouse?

A. It was turned over to me.

Q. Do you still have that?

A. Yes sir.

Q. Will you please tell the Court the tag number and the year of issuance?

A. 1955 - Georgia Tag E over S 42782.

Q. Now I will ask you if you have, pursuant to your duties as Chief enforcement, Division of the Alabama Alcoholic Beverage Control Board caused an investigation to be made to determine to whom this automobile license plate was issued by the authorities which you say was taken from the automobile driven by Mr. Howard C. Ward when the liquor was seized?

A. I obtained the registration.

Q. To whom was the tag issued?

- A. According to the records in Georgia to Ray Moon, Route 1, Bowdon Georgia, for a 1949 Mercury Sedan, Motor Number 9 CM. 286618.
- Q. Now Mr. Burton, how long have you been in your position with the Alcoholic Beverage Control Board?
- A. Since March 1, 1948.
- Q. I will ask you this: Do you know the reputation of the Respondent, Howard C. Ward in the community in which he lives and throughout the State of Alabama relative to his selling or dealing in illegal liquors?
- A. I think I do.
- Q. Will you please tell the Court what that reputation is that he bears
- A. Mr. Ward has the reputation that I personally know of since March 1948 of being a dealer and transporting whiskey in Alabama to the area of Anniston and Gadsden.
- Q. Have you agents working under you, reported cases prior to May 27, 1955 against Howard C. Ward?
- A. Not that he has been arrested - I don't know of that.
- Q. He has been involved in a seizure of automobiles?
- A. Yes, he was involved in a seizure of an automobile in Gadsden shortly before this seizure.

Q. (By the Court) What County is Gadsden in?

A. Etowah, County.

MR. JOHN C. LAMBERT, A WITNESS FOR THE STATE, BEING FIRST
DULY SWORN, TESTIFIED:

Q. What is your name, Sir?

A. John C. Lambert.

Q. Also known as John Lambert?

A. Yes sir.

Q. What is your occupation?

A. A. B. C. Agent.

Q. How long have you been employed in that position?

A. Two years and Eight months.

Q. What are your duties in that position?

A. Enforcing the liquor Laws of the State of Alabama.

Q. Now I will ask you if you know the Respondent, Howard C.

Ward in this case?

A. Yes sir.

Q. How long have you know Mr. Howard C. Ward?

A. I would say 20 years.

Q. Then you did know him on May 27th of this year?

A. Yes sir

Q. I will ask you, Mr. Lambert, do you know his reputation in the
County in which he lives relative to his dealing or selling illegal
Liquors?

A. Yes sir.

Q. What County does he live in?

A. Right now he lives in Tallapoosa Georgia, but most of his life he has lived in Cleborn County.

Q. What is the County Seat?

A. Heflin.

Q. How far is that from the place he is now living - Tallapoosa, Georgia?

A. A. 20 to 22 miles.

Q. That is Cleburn County, in what state?

A. State of Alabama.

Q. Do you know if he owns any personal property or real estate in the State of Alabama?

A. Yes sir.

Q. In What County does he own it?

A. In Cleburn County.

Q. Could you tell the Court what the type of the property is that he owns there?

A. It is mostly woodland - no cultivation; I don't know how many acres but he has two or three houses on it.

Q. Does he live in any of those houses, or has he ever resided in any of them?

A. I don't know.

Q. You say you know his reputation?

A. Yes sir.

Q. What is that reputation as to his dealings in illegal liquors?

A. I have never known him to do anything else.

Q. Well now have you personally ever searched him or any of his premises for whiskey?

A. No sir.

Q. But his reputation is that all he has ever done is to deal in illegal liquors?

A. Yes sir.

Q. I will ask you if, during the month of June 1955, pursuant to your duties as a State Alcoholic Beverage Control Agent, have occasion to conduct an investigation into the ownership of a 1950 Ford automobile license No. 31-6935?

A. Yes sir.

Q. I will ask you, Sir, if you will tell the Court to whom that license plate was issued and in what County and for what kind of an automobile?

A. The license plate was issued to Mr. G. T. Evatt, Etowah County, Alabama.

Q. Did your investigation show any sale of that automobile to Mr. Evatt - by Mr. Evatt to any one?

A. Yes sir.

Q. To whom did Mr. Evatt sell it?

A. He traded the car on February 19, 1955, to John Thomas Mosley.
(page 24)

Q. Does your records show who bought the car?

A. Car sold April 2, 1955 to Buster Lambert, Glenco, Alabama, Etowah County.

Q. Did you find in your search of the records in Etowah County, or any where else where the automobile was ever sold to Howard C. Ward?

A. No, sir, I did not.

Q. Now this license plate that you have talked about - could you tell the Court what automobile - what is the motor number that the said license plate- What automobile and motor number is that license plate on?

THE COURT: Is that the car involved?

WITNESS: Yes.

Q. You mean the tag number ?

Q. For what kind of car was tag No. 31-6935 issued?

A. 1950 Ford Tudor.

Q. Can you tell the Court the correct motor number^{of} that automobile: Motor No. 133250. Etowah County. The motor No. on the bill of sales is 143250

Q. So here is instead of 42 as the bill of sale says there is 32 recorded in the Probate Office?

A. The first two numbers are 13 instead of 14.

Q. The last four digets are the same?

A. Yes sir.

MR. J. C. GILMORE, A WITNESS FOR THE STATE, BEING FIRST DULY
SWORN. TESTIFIED:

Direct examination by Mr. Cooper.

Q. What is your name, Sir?

A. J. C. Gilmore.

Q. What is your occupation?

A. Investigator, A.B.C. Board.

Q. Alabama Alcoholic Beverage Control Board?

A. Yes sir.

Q. How long have you been with them?

A. 13 or 14 years.

Q. Where are you stationed?

A. Etowah County - Gadsden.

Q. How long have you been there?

A. Nearly seven years.

Q. Do you know the Respondent, in this case, Howard C.
Ward?

A. Yes sir.

Q. How long have you known ~~xxxx~~ him?

A. Well I have known him and of him since I have been in
Gadsden - Five or six years.

Q. I will ask you if you know his reputation in Gadsden, Etowah Coun-
ty relative to dealing in prohibitive liquors?

A. Yes, I think I do.

Q. Will you tell the Court what that reputation is?

A. He is just a big illegal bootlegger up there.

Q. I will ask you if you have ever seized any automobile and liquor in Etowah County, in the State of Alabama in which Mr. Howard C. Ward claimed ownership of the car and whiskey?

A. Yes sir.

Q. When was the last time you made such a seizure?

A. On December 16, 1954, we seized a 1955 Pontiac and 55 cases of Liquor at Attalla.

Q. Was that in the Pontiac?

A. Yes sir.

Q. Who was driving the car?

A. J. W. Barnett, Jr.

Q. Was a bill filed for the condemnation?

A. It was.

Q. Who claimed the automobile and whiskey?

A. H. C. Ward.

Q. What disposition was made?

A. It was condemned in the Circuit Court and an appeal is now pending.

Q. Did you make another seizure in which Howard C. Ward was involved?

A. Yes sir.

Q. When was that?

A. That was, I believe, in March.

Q. March of 1954 or 1955?

A. March of 1955 - March 14, 1955.

Q. What did you seize?

A. A 1954 G.M.C. Pick-up.

Q. Whereabouts did you seize that?

A. In Etowah County, within the City Limits of Gadsden.

Q. Did you seize any whiskey?

A. Yes sir.

Q. How much?

A. 21 Cases in pints of Collee; 24 cases, pints J. W. Dants, 10 cases half pints Old Stag.

Q. Now Mr. Gilmore, who was driving that pick-up at the time you seized it?

A. Buster Lambert - James Lambert.

Q. Now after - Was the bill filed in the Court to condemn the pickup truck and the whiskey?

A. Yes sir.

Q. Who claimed the ownership of the pick-up and whiskey?

A. Well J. W. Barnett claimed it and it was forfeited and sold and Barnett bought it back.

Q. Barnett bought the truck back?

A. Yes sir.

Q. Was Howard C. Ward - how was he involved?

A. I have a bill of lading here that I took off of Barnett himself at the Morris Hotel where he - - G.M.A.C. Pick-up Truck p over 6, 1545 Mississippi License and the owner on that is shown to be Howard C. Ward and the driver is J. W. Barnett, Jr. and the signature of purchaser is H. C. Ward, by J. W. Barnett, Jr.

We caught the truck while it was being unloaded in Etowah County.

Q. This Buster Lambert that you arrested at that time, you say he was driving the pick-up truck which the bill of lading showed the whiskey was billed to Howard C. Ward?

A. He was.

Q. You don't know of your personal knowledge whether or not this Same Buster Lambert is the one who bought a 1950 Ford Automobile, Tudor - from John Thomas Motors in Gadsden?

A. No sir, I don't know that of my personal knowledge; I didn't make an investigation, but I am sure that is the same man.

Q. Mr. Gilmore, this whiskey that you spoke about seizing in these two particular shipments that a bill of lading was made to Howard C. Ward, can you tell the Court whether any of this = whiskey bore the Alabama Stamp?

A. None of it did.

Q. Did it bear the Federal Stamp?

A. Yes sir.

Q. I will ask you have you ever participated on any other seizure in Etowah County whiskey on a bill of sale made out in Mississippi to Howard C. Ward in Tallapoosa, Georgia?

A. Yes sir.

Q. Illegal liquors?

A. Illegal, yes.

Q. Have you ever personally participated in any seizure of his automobile?

A. I don't believe I have.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 31, both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in open Court before Hon. Hubert M. Hall, Judge of said Court, in the case of the State of Alabama, Ex Rel on Relation of Kenneth Cooper, vs. Howard C. Ward, tried on August 10, 1955, Circuit Court of Baldwin County, Alabama.

This 22nd day of August, 1955.

Louise D. Duncanson
COURT REPORTER

MR. HARRIS, A WITNESS FOR THE STATE, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Direct examination by Mr. Cooper.

Q. What is your name, sir?

A. J. M. Harris.

Q. Are you also known as James M. Harris?

A. Yes sir.

Q. What is your occupation?

A. I am with the Alcoholic Beverage Control Board - Investigator

Q. How long have you been in that employment?

A. 16 years.

Q. Mr. Joe Burton is your Supervisor?

A. Yes sir.

Q. I will ask you if you know the Respondent, Howard C. Ward? by

A. By reputation.

Q. I will ask you if you know the reputation of Howard C. Ward
in the community in which he lives relative to his dealing
in selling of illegal liquors?

A. I do in his home in Cleborn County; He has not been in
Tallapoosa, Georgia too long.

Q. What is the Town in Cleborn County?

A. Near Heflin.

Q. Will you tell the Court that reputation?

A. He has the reputation of being a big whiskey dealer and
transporter.

J. W. BARNETT, Jr.

WHOLESALE LIQUOR DEALER

2 1/2 Miles North of Stafford Springs

VOSSBURG, MISS.

PHONE 2444
HEIDELBERG, MISS.

ORDER N^o 962

Date 5/7/55 19__

Sold to

H. C. Ward
100 Robinson Ave
Valdosta Georgia

Terms Net

Ship Via

QUANTITY	UNIT	DESCRIPTION	AMOUNT
3	PT	Keen - 012102-01192-920	132 00
3	PT	Cabin 5K, L1 743481-461-449-	143 25
3	PT	E Time - 329638-663-665-	145 11
3	PT	Low Cabinet 219683-690-684-	155 79
3	PT	Cabinet Room 589717-610-660	131 70
4	1/2	Cabinet Room 853637-668-648 634	179 80
3	PT	Bentley D. Date - 032098-033-024906-	133 65
2	PT	Bottle, Geni .938530-357-	75 50
6	PT	Oak Table - 864404 932460-417-444-464-423-466-	343 20
			1450 04
		Owner of Car - H-C-Ward -	
		Owner of car H-C-Ward -	
		Route - 90-31-	
		Make of Car - 1950 Ford -	

Atelle

no

H. C. Ward.

Dec 10, 1955

30 cows
Whisper

Stall 4 A

RULE AND REGULATION PROMULGATED THIS
28TH DAY OF MARCH, 1955, BY THE ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD,
MONTGOMERY, ALABAMA.

Statute "82"
This Rule and Regulation is promulgated pursuant to the authority vested in the Alabama Alcoholic Beverage Control Board by Section 6, Title 29, Code of Alabama 1940.

The Administrator of the Alabama Alcoholic Beverage Control Board is hereby empowered and authorized to issue a permit which shall be designated "Non-Resident Licensee's Permit" to any non-resident, distiller, vintner or wholesaler who is authorized by the State of his residence and also by the Federal Government to receive and/or transport distilled spirits, wine or other alcoholic beverages.

The fee for such permit shall be One (\$1.00) Dollar and no waiting period shall be required unless, in the discretion of the Administrator, such waiting period is deemed necessary for the purpose of investigating the applicant.

No permit to transport alcoholic beverages not bearing Alabama mark of identification and/or revenue stamps into, through, or across this State by any vehicle, not a common carrier or not owned by and operated by a licensed wholesaler, shall be issued until and unless the following has been complied with:

1. Application thereof is made in writing, specifying the route by highway numbers, the date, the approximate time, the name of the driver, together with the identification of any individual who will be with the vehicle, the place of origin of the shipment, including the name and address of the premises from which such shipment shall be loaded and including also the name and address of the consignee. There shall also be included the name, model, color, license number and motor number of the vehicle; said application shall be sworn to before a notary public.

RULE AND REGULATION PROMULGATED THIS
28TH DAY OF MARCH, 1955, BY THE ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD,
MONTGOMERY, ALABAMA.

2. There shall be included with such application a statement addressed to the Alabama Alcoholic Beverage Control Board and signed by the proper taxing authority of the State in which the destination is located; said statement to approve said proposed shipment and to state that it is legal and authorized under the laws of said state.

Said permit shall be issued in one copy only and must be in the vehicle at all times during transit. The permit may be issued for a given period of time, or for one trip only, at the discretion of the Administrator; said permit shall be shown on demand to any peace officer of this State or any sub-division thereof, or to any employee of this department; either the refusal to produce said permit, or the inability to produce it shall make said transport or possession prima facie illegal and subject to all penalties provided by law for the possession and transportation of illicit beverages.

In addition to the permit mentioned above, the driver of the vehicle must be in possession of bill of lading, consignment, or other evidence of ownership of the cargo which tallies with the cargo. In the event the vehicle is apprehended traveling over highways not specified in the application or permit, unless such highways are officially described detours of the highways mentioned in the application or permit, will subject the vehicle and merchandise to condemnation as provided by law for illegal possession and transportation of alcoholic beverages.