

STATE OF ALABAMA, EX REL, WILLIAM R.
LAUTEN, AS SOLICITOR OF THE TWENTY-
EIGHTH JUDICIAL CIRCUIT OF ALABAMA
PETITIONER

VERSUS

SAM W. ZIVITZ, HENRY FINKELSTEIN,
CLARENCE MOORHEAD, THOMAS McCULLAGH,
ABRAHAM BELLOFF AND THE GAMBLING
DEVICES DESCRIBED HEREINBELOW
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY: NO. 2702

TO THE HONORABLE TELFAIR J. MASHEURN, JR., JUDGE OF SAID COURT:

Comes your Petitioner, William R. Lauten, as Solicitor of the twenty-eighth Judicial Circuit of Alabama, and respectfully shows unto this Honorable Court the following facts:

1. That your Petitioner is the temporary acting Solicitor of the Twenty-eighth Judicial Circuit of Alabama, which Circuit includes Baldwin County, Alabama, and is authorized by law to bring this bill.

2. That on, to-wit, August 11, 1951, Honorable Taylor Wilkins, Sheriff, of said County, did find and seize in said County the gambling devices hereinafter described and has reported such seizure and detention of the same to your Petitioner.

3. That the said report of seizure and detention of said devices shows that said Sheriff has seized the following described gambling devices, to-wit;

One (1) Nine-foot, rectangular-shaped, wooden dice table with layout and chips.

One (1) Poker (or black-jack) table.

Five (5) Decks of playing cards.

Forty (40) pairs of dice.

One (1) mahogany dice box

One (1) Ten-cent, Mills Novelty Company Slot Machine.

One (1) Ten-cent, Chief, Slot Machine, Serial Number 124371.

One (1) Five-cent, Mills Novelty Company Slot Machine, Serial Number 369845.

That the above described gaming devices, when seized and removed, were in the possession of the Respondents, Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff, Your Petitioner is informed and believes, and upon such information and belief alleges that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff are the owners of or have an interest in or claim to own or claim to have an interest in the said above described gambling devices.

Your petitioner further charges and says that the above described property or devices are gambling devices within the meaning of Title 14, Section 283, Code of Alabama, 1940.

Wherefore, the Premises considered, Your Petitioner prays that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff be made parties Respondent to this bill and that appropriate process issue out of this Court requiring the said persons to plead, answer or demur to this bill within the time required by law, and failing therein, that a decree pro confesso be taken against them and each of them; and upon a final hearing hereof, your Petitioner prays that this Honorable Court will enter a decree declaring the above described devices to be gaming devices, and that the said property or gambling devices be forfeited, together with all the contents found therein or thereon, including money of every kind and description, to the State of Alabama, and as your Honor may direct, and that the said devices above described destroyed. And your Petitioner prays for such other further, different and general relief to which he may be entitled in the premises according to the circumstances of the case, and for such other decrees and orders that may be necessary to accompany condemnation and destruction of allsaid gambling devices as illegal devices under the laws of the State of Alabama.

(s) WILLIAM R. LAUTEN
Petitioner

STATE OF ALABAMA, EX REL. WILLIAM R.
LAUTEN, AS SOLICITOR OF THE TWENTY-
EIGHTH JUDICIAL CIRCUIT OF ALABAMA,
PETITIONER,

VERSUS

SAM W. ZIVITZ, HENRY FINKELSTEIN,
CLARENCE MOORHEAD, THOMAS McCULLAGH,
CHARLES E. WARREN, HENRY BROADHEAD,
ABRAHAM BELLOFF AND THE GAMBLING
DEVICES DESCRIBED HEREINBELOW,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

NO. 2702

TO THE HONORABLE TELFAIR J. WASHBURN, JR., JUDGE OF SAID COURT:

Comes your Petitioner, William R. Lauten, as Solicitor of the Twenty-eighth Judicial Circuit of Alabama, and respectfully shows unto this Honorable Court the following facts:

1. That your Petitioner is the temporary acting Solicitor of the Twenty-eighth Judicial Circuit of Alabama, which Circuit includes Baldwin County, Alabama, and is authorized by law to bring this bill.

2. That on, to-wit, August 11, 1951, Honorable Taylor Wilkins, Sheriff of said County, did find and seize in said County the gambling devices hereinafter described and has reported such seizure and detention of the same to your Petitioner.

3. That the said report of seizure and detention of said devices shows that said Sheriff has seized the following described gambling devices, to-wit:

One (1) Nine-foot, rectangular-shaped, wooden dice table with lay-out and chips.

One (1) Poker (or black-jack) table.

Five (5) Decks of playing cards.

Forty (40) pairs of dice.

One (1) Mahogany dice box.

One (1) Ten-cent, Mills Novelty Company Slot Machine.

One (1) Ten-cent, Chief, Slot Machine, Serial Number 124371.

One (1) Five-cent, Mills Novelty Company Slot Machine, Serial Number 369845.

4. That the above described gambling devices, when seized and removed, were in the possession of the Respondents, Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff. Your Petitioner is informed and believes, and upon such information and belief alleges that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff are the owners of or have an interest in or claim to own or claim to have an interest in the said above described gambling devices.

5. Your Petitioner further charges and says that the above described property or devices are gambling devices within the meaning of Title 14, Section 283, Code of

Alabama, 1940.

Wherefore, the Premises considered, Your Petitioner prays that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff be made parties Respondent to this bill and that appropriate process issue out of this Court requiring the said persons to plead, answer or demur to this bill within the time required by law, and failing therein, that a decree pro confess be taken against them and each of them; and upon a final hearing hereof, your Petitioner prays that this Honorable Court will enter a decree declaring the above described devices to be gambling devices, and that the said property or gambling devices be forfeited, together with all the contents found therein or thereon, including money of every kind and description, to the State of Alabama, and as your Honor may direct, and that the said devices above described be destroyed. And your Petitioner prays for such other further, different and general relief to which he may be entitled in the premises according to the circumstances of the case, and for such other decrees and orders that may be necessary to accompany condemnation and destruction of all of said gambling devices as illegal gambling devices under the laws of the State of Alabama.

William R. Lauten
Petitioner.

STATE OF ALABAMA, EX REL., WILLIAM R.
LAUTEN, AS SOLICITOR OF THE TWENTY-
EIGHTH JUDICIAL CIRCUIT OF ALABAMA,
PETITIONER,

VS.

SAM W. ZIVITZ, ET AL.,

RESPONDENTS.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO HONORABLE TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY ALABAMA:

By order of a decree of this court made and rendered in the above styled cause on the 18th day of December 1951, by Hon. Telfair J. Mashburn, Jr., Judge of said Court;

You are hereby commanded to destroy in the presence of the Register the following named articles-

One (1) Nine-foot, rectangular-shaped, wooden dice table with layout and chips.
One (1) Poker (or black-jack) table.
Five (5) Decks of playing cards.
Forty (40) pairs of dice.
One (1) Maghgany dice box.
One (1) Ten-cent, Mills Novelty Company Slot Machine.
One (1) Ten-cent, Chief, Slot Machine, Serial Number 124371.
One (1) Five-cent, Mills Novelty Company Slot Machine, Serial Number 369845.

It is further ordered that the said sheriff, Hon. Taylor Wilkins, Sheriff of Baldwin County, Alabama, open all of the said gaming devices in any manner he shall see fit, in the presence of the Register of the Circuit Court: that said Sheriff take from said gambling devices any money or property found therein and turn over same to said Register said money or property.

That said gaming devices are to be destroyed within (20) days from date of said decree.

You are further directed to report to this court your compliance with said decree of condemnation.

Witness my hand this 31st day of December 1951.

Register of Circuit Court
In Equity

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2702

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon SAM W. ZIVITZ, HENRY FINKELSTEIN, CIARENCY

MOORHEAD, THOMAS McCULL AGH, CHARLES E. WARREN, HENRY BROADHEAD, ABRAHAM

BELLOFF, AND THE GAMBLING DEVICES DESCRIBED HEREINBELOW.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

SAM W. ZIVITZ ET. AL.

Defendant

by SATATE OF ALABAMA, EX REL. WILLIAM R. LAUTEN.

Plaintiff.....

Witness my hand this 17th day of August 19 51

ALICE J. DUCK

Clerk

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

STATE OF ALABAMA EX. REL.

WILLIAM R. LAUTEN

Plaintiffs

vs.

SAM W. ZIVITS, ET AL.

Defendants

SUMMONS and COMPLAINT

Filed, 19.....

....., Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

....., 19.....

....., Sheriff

I have executed this summons

this, 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

STATE OF ALABAMA, EX REL. WILLIAM R.
LAUTEN, AS SOLICITOR OF THE TWENTY-
EIGHTH JUDICIAL CIRCUIT OF ALABAMA,

Petitioner,

VERSUS

SAM W. ZIVITZ, HENRY FINKELSTEIN,
CLARENCY MOORHEAD, THOMAS McCULLAGH,
CHARLES E. WARREN, HENRY BROADHEAD,
ABRAHAM BELLOFF AND THE GAMBLING
DEVICES DESCRIBED HEREINBELOW,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT:

Comes your Petitioner, William R. Lauten, as Solicitor of the Twenty-eighth Judicial Circuit of Alabama, and respectfully shows unto this Honorable Court the following facts:

1. That your Petitioner is the temporary acting Solicitor of the Twenty-eighth Judicial Circuit of Alabama, which Circuit includes Baldwin County, Alabama, and is authorized by law to bring this bill.

2. That on, to-wit, August 11, 1951, Honorable Taylor Wilkins, Sheriff of said County, did find and seize in said County the gambling devices hereinafter described and has reported such seizure and detention of the same to your Petitioner.

3. That the said report of seizure and detention of said devices shows that said Sheriff has seized the following described gambling devices, to-wit:

One (1) Nine-foot, rectangular-shaped, wooden dice table with lay-out and chips.

One (1) Poker (or black-jack) table.

Five (5) Decks of playing cards.

Forty (40) pairs of dice.

One (1) mahogany dice box

One (1) Ten-cent, Mills Novelty Company Slot Machine.

One (1) Ten-cent, Chief, Slot Machine, Serial Number 124371.

One (1) Five-cent, Mills Novelty Company Slot Machine, Serial Number 369845.

4. That the above described gambling devices, when seized and removed, were in the possession of the Respondents, Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff. Your Petitioner is informed and believes, and upon such information and belief alleges that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff are the owners of or

have an interest in or claim to own or claim to have an interest in the said above-described gambling devices.

5. Your Petitioner further charges and says that the above described property or devices are gambling devices within the meaning of Title 14, Section 283, Code of Alabama, 1940.

Wherefore, the Premises considered, Your Petitioner prays that the said Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead and Abraham Belloff be made parties Respondent to this bill and that appropriate process issue out of this Court requiring the said persons to plead, answer or demur to this bill within the time required by law, and failing therein, that a decree pro confesso be taken against them and each of them; and upon a final hearing hereof, your Petitioner prays that this Honorable Court will enter a decree declaring the above described devices to be gambling devices, and that the said property or gambling devices ~~devices~~ be forfeited, together with all the contents found therein or thereon, including money of every kind and description, to the State of Alabama, and as your Honor may direct, and that the said devices above described be destroyed. And your Petitioner prays for such other further, different and general relief to which he may be entitled in the premises according to the circumstances of the case, and for such other decrees and orders that may be necessary to accompany condemnation and destruction of all of said gambling devices as illegal gambling devices under the laws of the State of Alabama.

William R. Fauter,
Petitioner.

Received in Sheriff's Office
this 29 day of Aug, 1951
TAYLOR WILKINS, Sheriff

NO 2702

Condemnation
Petition

State v. Alu

v. S.

Sam W. Zivitz et al

Executed by serving a
copy of the within Condemnation
Petition on

Charles E. Warren 8-30-51

Sam W Zivitz 9-10-51

Henry Finckelstein 9-10-51

Thomas McCullagh 9-10-51

Abraham Belloff 9-10-51

Clarence Morehead 9-10-51

Henry Broadhead - 9-10-51

Dates shown by
each party

Taylor Wilkins - Sheriff

RECORDED

FILED

AUG 17 1951

ALICE J. DUCK, Register

STATE OF ALABAMA, EX REL., WILLIAM R.
LAUTEN, AS SOLICITOR OF THE TWENTY-
EIGHTH JUDICIAL CIRCUIT OF ALABAMA,

Petitioner,

VERSUS

SAM W. ZIVITZ, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DECREE

This cause is submitted for final decree on the petition of William R. Lauten, as Solicitor of the Twenty-eighth Judicial Circuit of Alabama, and it being made to appear to the Court that more than thirty days have elapsed from the date of service on each of the defendants named in said petition, namely, Sam W. Zivitz, Henry Finkelstein, Clarence Moorhead, Thomas McCullagh, Charles E. Warren, Henry Broadhead, Abraham Belloff, and the said defendants having failed or refused to appear, plead, answer, or demur to the said petition within the time required by law, and the averments of said petition being now taken as confessed by each of the said defendants, and the said things being considered by the Court, the Court is of the opinion that the prayer of the Petition should be granted; it is, therefore,

ORDERED, ADJUDGED AND DECREED that the following described personal property is and are gambling devices under the laws of the State of Alabama, to-wit:

One (1) Nine-foot, rectangular-shaped, wooden dice table with layout and chips.

One (1) Poker (or black-jack) table.

Five (5) Decks of playing cards.

Forty (40) pairs of dice.

One (1) mahogany dice box.

One (1) Ten-cent, Mills Novelty Company Slot Machine.

One (1) Ten-cent, Chief, Slot Machine, Serial Number 124371.

One (1) Five-cent, Mills Novelty Company Slot Machine, Serial Number 369845.

ORDERED, ADJUDGED AND DECREED further that said gambling devices be and they are each hereby condemned and forfeited as being in violation of the terms of Article 4, Title 14, Code of Alabama for 1901, as amended; that Honorable Taylor Wilkins, Sheriff of Baldwin County, Alabama, open any of the

said gambling devices in any manner as he shall see fit in the presence of the Register of the Circuit Court of Baldwin County, Alabama, in Equity; that said Sheriff take from said gambling devices any money or property found therein and turn over any to the said Register said money or said property; that one-half of the money or moneys, if any, taken from said gambling devices be paid to the Honorable Taylor Wilkins, Sheriff of said County, and that the remaining one-half of said money or moneys, if any, shall be paid into the general fund of Baldwin County, Alabama; that any other personal property found in said gambling devices shall be disposed of as this Court may direct upon a report thereof by the Solicitor for the Twenty-eighth Judicial Circuit of Alabama; that the gambling devices named herein shall be destroyed by the Sheriff of Baldwin County, Alabama, in the presence of the Register of the Circuit Court of Baldwin County, Alabama, in such manner as the said Sheriff shall deem best, before the expiration of twenty days from the date of this decree, in the event no appeal is taken from this decree, and that the said sheriff make return to this Court as to how he has executed this order.

ORDERED, ADJUDGED AND DECREED further that the costs in this cause be paid by the Respondents, for which let execution issue, and if said execution be returned "no property found", let the costs in said cause be charged to the County of Baldwin as in criminal cases.

Done and ordered this 18th day of December, 1951.

Walter J. Mashburn, Jr.
Judge.

RECORDED

2762

FILED

81 1957

NOV 1 200X, Register

[Handwritten signature]

TAYLOR WILKINS

SHERIFF
BALDWIN COUNTY

Bay Minette, Alabama

August 16, 1951

Hon. William R. Lawton
Circuit Solicitor
Bay Minette, Alabama

Dear Mr. Lawton:

The following report is submitted pursuant to Sec. 286, Title 14 Code of Alabama 1940. On Saturday night August 11, 1951 the following gambling equipment was seized by me at Lillian, Alabama from a place operated by one Sam W. Zivitz and Henry Finkelstein:

- 1- 9ft. Dice table with lay out and chips
- 1 Poker table
- 5 Decks of cards
- 40 Pair of dice
- 1 Mahogany dice box
- 1-10¢ slot machine, make: Mills Novelty Co.
(No number)
- 1-10¢ slot machine, make: Chief, Number 124371
- 1-5¢ slot machine, make: Mills Novelty Co.,
Number 369845

~~The following people were arrested and charged with~~
Broadhead, keeping a gambling table: Clarence Moorhead, Henry Finkelstein, Henry Thomas McCullagh, Charles E. Warren, Sam W. Zivitz, Abraham Belloff. All of the above persons admitted working at the gaming house and operating the above equipment.

Yours very truly,

Taylor Wilkins
Taylor Wilkins, Sheriff