

STATE OF ALABAMA, EX REL	)	IN THE CIRCUIT COURT OF
KENNETH COOPER, SOLICITOR,	)	BALDWIN COUNTY, ALABAMA,
COMPLAINANT,	)	IN EQUITY.
Vs.	)	
PERRY BROWNING, JOHN W.	)	
WILLIAMS, WILLIAM H. CORE, JR.,)		
AND HOLLIS HALE,	)	
RESPONDENTS.	)	

TO THE HONORABLE TELFAIR J. MASBURN, JR., OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, IN EQUITY, SITTING.

Comes the State of Alabama, on relation of KENNETH COOPER, Solicitor  
for the 28th Judicial Circuit of the State of Alabama, and respect-  
fully 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 the respondents, PERRY BROWNING, JOHN W. WILLIAMS,  
WILLIAM H. CORE, JR., AND HOLLIS HALE, are all residents of Baldwin  
County, Alabama, and are over the age of twenty-one years.

(3) That on, to wit, July 21, 1949, the said PERRY BROWNING,  
JOHN W. WILLIAMS, WILLIAM H. CORE, JR., AND HOLLIS HALE, DID keep  
set up, own, operate or conduct, or permit to be set up, operated  
or conducted several gambling devices as defined by the State of  
Alabama. That said gambling devices were:

One dice table, complete with cloth.

Four pair of dice

one-half bushel of poker chips.

That said devices or apparatus were machines, mechanical devices,  
contrivances or appliances, or inventions intended for the purpose  
of winning money by hazard or chance, and were being operated or  
could be operated as games of chance.

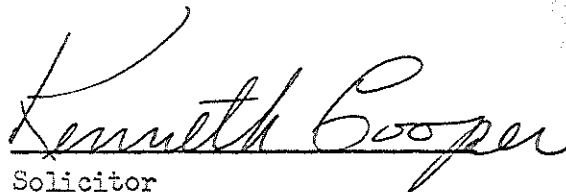
(4) That the possession, ownership or use of said apparatus or  
devices was illegal and contrary to law, and as such is contraband  
property and forfeited to the State of Alabama.

(5) That said above described gambling apparatus or devices when seized July 21, 1949, and removed by TAYLOR WILKINS, Sheriff of Baldwin County, Alabama, were in the possession of the said PERRY BROWNING, JOHN W. WILLIAMS, WILLIAM H. CORE, JR., AND HOLLIS HALE, and your complainant is informed and on such information believes and states that the said machines, devices or apparatus are the property of PERRY BROWNING, JOHN W. WILLIAMS, WILLIAM H. CORE, JR., AND HOLLIS HALE.

(6) Your complainant charges and avers that the above described devices or apparatus are gambling devices within the meaning of the Code of Alabama, 1940, Title 14, Section 283.

The premises considered, complainant prays that the said PERRY BROWNING, JOHN W. WILLIAMS, WILLIAM H. CORE, JR., AND HOLLIS HALE BE Made party respondents 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 articles are gambling devices, that same be forfeited to the State of Alabama, and 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 devices as illegal gambling devices under the laws of the State of Alabama.

  
Solicitor

28th Judicial Circuit of Alabama

STATE OF ALABAMA, EX REL	Ø	
KENNETH COOPER, SOLICITOR,	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT,	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	IN EQUITY.
PERRY BROWNING, ET AL.	Ø	NO. 2358
RESPONDENTS	Ø	

Now come the Respondents, separately and severally and demur to the Complainants bill of complaint heretofore filed in this cause and to each paragraph thereof, separately and severally, and say:

1.

That there is no equity in the bill.

2.

That the allegation contained in paragraph three of the original bill of complaint, that the items therein described are gambling devices, is but the conclusion of the pleader

3.

That the allegation contained in paragraph four of the bill of complaint, that the items described in the bill of complaint are contraband property and forfeited to the State of Alabama, is but the conclusion of the pleader.

4.

That the said complaint does not recite that the Sheriff making seizure reported the same to the Circuit or County Solicitor, or any prosecuting officer within the county, within the time required by law.

5.

not


That the complaint does/allege that a full and complete report was made by the Sheriff after the seizure to the Circuit or County Solicitor, or any prosecuting officer within the county, within the time required by law, giving a full description of the property seized, the number of the device, if any, the place and firm of manufacture, as required by law.

6.

The allegations of the complaint affirmatively show that the Circuit Solicitor of Baldwin County, Alabama, has not complied with the terms and conditions of the statute under which this proceeding is brought.

7.

The allegations of this complaint do not authorize the relief prayed for.

  
Solicitor for the Respondent.

THE STATE OF ALABAMA, }  
Baldwin County } No. 2358 Circuit Court, In Equity.

State of Alabama, Ex Rel Kenneth Cooper Complainant...  
Vs.

Perry Browning, John W. Williams, William H. Gore Defendant S.  
and Hollis Hale,

Motion is hereby made for a Decree Pro Confesso against

Perry Browning,  
Et Als, Defendant S.

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant S.; and that said summons was duly served according to law, and that said Defendant S. have failed to ~~answer~~, plead to or answer the Bill of Complaint in this cause to this date.

This 5<sup>th</sup> day of July, 1950  
Kenneth Cooper Solicitor.

RECORDED

No. 2358

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THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

State of Alabama, Ex Rel  
Kenneth Cooper,  
Solicitor

Vs.

Perry Browning, John W.  
Williams, William H. Coze,  
and Holis Hale

Motion for Decree Pro Confesso on  
Personal Service

Filed 7-5-1950

W. J. Luck  
Register.

Recorded in Record

Vol. Page

Register.

The State of Alabama, { No. 2358 ..... CIRCUIT COURT IN EQUITY.  
Baldwin County.

STATE OF ALABAMA ..... Complainant  
vs.  
PERRY BROWNING ET ALS ..... Defendant.

In this cause it appears to the Register  
that a summons requiring the Defendant PERRY BROWNING ET ALS

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon THEM  
was served upon THEM by the Sheriff of Mobile  
Baldwin County, Alabama, on the  
30th day of Sept 1949

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of Solicitor  
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said ~~them~~ Perry Browning, John W. Williams,  
William H. Core and Hollis Hale.

Defendant aforesaid.  
This 5th day of July 1950  
Register.

RECORDED

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The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

STATE OF ALABAMA

vs.

PERRY BROWNING et als

DECREE PRO CONFESSO ON  
PERSONAL SERVICE

Issued 19

Register.

Moore Printing Company, Bay Minette, Ala.



STATE OF ALABAMA, EX REL  
KENNETH COOPER, SOLICITOR,  
Complainant,  
VS.  
PERRY BROWNING, JOHN W.  
WILLIAMS, WILLIAM H. CORE, JR.  
AND HOLLIS HALE,  
Respondent,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2358

TO HON. TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA:

RECORDED  
You are hereby commanded in accordance with that certain decree of this Court  
made and rendered on the 7th day of July, 1950, by Hon. Telfair J. Mashburn, Jr.,  
Judge of said Court, to destroy in the presence of the Register of said Court, the  
following named articles:

One dice table, complete with cloth,  
Four pair of dice, and  
One-half bushel of poker chips,

The above named property is to be destroyed within twenty(20) days from the  
date of said decree.

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

WITNESS my hand this 8th day of July, 1950.

\_\_\_\_\_  
Register of Circuit Court,  
In Equity.

STATE OF ALABAMA, EX REL	)	IN THE CIRCUIT COURT OF
KENNETH COOPER, SOLICITOR,	)	BALDWIN COUNTY, ALABAMA,
COMPLAINANT,	)	IN EQUITY
Vs.	)	
PERRY BROWNING, JOHN W. WILLIAMS,)		
WILLIAM H. CORE, JR., AND	)	
HOLLIS HALE,	)	
RESPONDENTS.	)	

DECREE

This cause coming on to be heard, was submitted for final decree on the Bill of Complaint and Decree Pro Confesso on personal service against the Respondents Perry Browning, John W. Williams, William H. Core, Jr., and Hollis Hale, and the Court having considered the same is of the opinion that the Complainant is entitled to the relief prayed for, and that said machines or devices, namely:

One dice table, complete with cloth,

Four pair of dice, and

One-half bushel of poker chips,

which machines or devices were seized from the possession of the Respondents Perry Browning, John W. Williams, William H. Core, Jr., and Hollis Hale, on the 21st day of July, 1949, by Taylor Wilkins, Sheriff of Baldwin County, Alabama, which machines or devices are the subject of this suit, were and are gambling devices as defined by the laws of the State of Alabama and as such are contraband property and forfeited to the State of Alabama, and are subject to be condemned and destroyed as such.

It is therefore ordered, adjudged and decreed by the Court that the devices hereinabove described be and the same are hereby declared to be gambling devices and are hereby adjudged and declared to be contraband property and are condemned and forfeited to the State of Alabama, as ~~a~~ gambling devices prohibited by law.

It is further ordered, directed and decreed by the Court that the Sheriff of Baldwin County, Alabama, in the presence of the Register of this Court destroy the gambling devices hereinabove described, within twenty days of the date of this decree unless an appeal is taken from this decree as provided by law.

It is further ordered and decreed by this Court that the cost of this suit be taxed against the Respondents, for which let execution issue. If, however, such costs are not collected by such execution, then the Register shall tax and collect the cost from Baldwin Connty, Alabama, to be paid as in criminal cases where the State fails.

Done, ordered and decreed, this 7<sup>th</sup> day of July, 1950.

Jessie J. Mosley, Jr.  
Judge, Circuit Court of

Baldwin County, Alabama

STATE OF ALABAMA, EX REL	)	IN THE CIRCUIT COURT OF
KENNETH COOPER, SOLICITOR,	)	BALDWIN COUNTY, ALABAMA,
COMPLAINANT,	)	IN EQUITY
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Done, ordered and decreed, this \_\_\_\_\_ day of July, 1950.

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Judge, Circuit Court of  
Baldwin County, Alabama

STATE OF ALABAMA

VS.

PERRY BROWNING, ET ALS  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2358.

DECREE OVERRULING DEMURRER

This cause coming on to be heard is submitted on Respondents' Demurrer to Complainant's Bill of Complaint, and the same being considered and understood by the Court, the Court is of the opinion that said Demurrer is not well taken and should be overruled. IT IS THEREFORE

ORDERED, ADJUDGED AND DECREED that Respondents' Demurrer to Complainant's Bill of Complaint be, and the same is hereby overruled.

Done this 9th day of June, 1950.

Julius A. Wallbury, Jr.  
Judge