4337

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

July 29, 1958

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find a plea in the case of State of Alabama vs. Canal Cafe. I am sending Mr. Kenneth Cooper a copy of this for his use. Kindly see that this case is filed Wednesday morning, July 30, 1958.

Yours very truly,

FOREST A. CHRISTIAN

Enclosure - as indicated

STATE OF ALABAMA, EX REL KENNETH COOPER, SOLICITOR, Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
POLK KOONCE, JR., ET AL., Respondents.	X	IN EQUITY NO. 4337

Comes now Polk Koonce, Jr., by his Solicitors, and moves this Honorable Court to strike him as a party Respondent to the above styled cause and respectfully represents and shows unto this Honorable Court as follows:

That he was named as a Respondent in the above styled cause and a copy of the Summons and Complaint was served upon him on July 25, 1958, by the Sheriff of Baldwin County, Alabama. That on July 25, 1958, and on July 23, 1958, the date on which the Bill of Complaint in the above styled cause was filed, he was not, and is not now, President of the Gulf Shores Social Club, a corporation. That he was at the time of the incorporation of said club named as the President thereof but that he resigned his office as such in March of 1958, and has not served as such since that date. That his resignation appears on the minutes of said corporation and due notice thereof was given to all officers and persons entitled to receive the same. That he is in no way interested in the Canal Cafe or in the Gulf Shores Social Club, a corporation, and that he is not an agent, servant or employee of any of the Respondents named in the above styled cause, whether individuals or corporations, and he was not on July 23, 1958.

Respectfully submitted,

CHASON & STONE

By: Marbone J. Stone, Jr.

STATE OF ALABAMA

235 BALDWIN COUNTY

Before me, Blanche White, a Notary Pub-

lic, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Norborne C. Stone, Jr., and he is one of the Solicitors for Polk Koonce, Jr., one of the Respondents named in that certain cause now pending in the Circuit Court of Baldwin County Alabama, Numbered 4337 wherein the State of Alabama, on the relation of Kenneth Cooper, is the Complainant and Polk Koonce, Jr., et al., are named as Respondents. That he is informed and believes and upon such information and belief alleges that the facts alleged in the foregoing motion are true and correct.

Norborne C. Stone, Jr.

Norborne C. Stone, Jr.

Sworn to and subscribed before me
on this the 26th day of August,
1958.

Blanche White
Notary Public, Baldwin County, Alabama

filed Aug. 26, 1955
Alice J. Hucks, Reg.

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity No. 4337

STATE OF ALABAMA, ex rel
Kenneth Cooper, Solicitor,
Complainant,
Vs.
THE PREMISES KNOWN AS CANAL
CAFE, Et Al.,
Respondents.

NOTICE OF APPEAL

Now comes The State of Alabama, ex rel Kenneth Cooper, Solicitor, 28th Judicial Circuit, and gives notice of appeal from the decree of the Circuit Court of Baldwin County, Alabama, in Equity, rendered in said cause on the 28th day of August, 1958.

State of Alabama by Kenneth Cooper
State of Alabama by Kenneth Cooper,
Solicitor, 28th Judicial Circuit.

FILED
SEP 14
ALICE I. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity No. 4337

STATE OF ALABAMA, ex rel
Kenneth Cooper, Solicitor,
Complainant,
Vs.
THE PREMISES KNOWN AS CANAL
CAFE, Et Al.,
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FILED
SEP 14
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IN THE CIRCUIT COURT OF
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State of Alabama by Kenneth Cooper

State of Alabama by Kenneth Cooper,
Solicitor, 28th Judicial Circuit.

FILED
SEP 14 1958
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity No. 4337

STATE OF ALABAMA, ex rel
Kenneth Cooper, Solicitor,
Complainant,
Vs.
THE PREMISES KNOWN AS CANAL
CAFE, Et Al.,
Respondents.

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State of Alabama by Kenneth Cooper

State of Alabama by Kenneth Cooper,
Solicitor, 28th Judicial Circuit.

FILED
SEP 14 1958
MRS. J. DUCK, CLERK
REGISTER

CITATION OF APPEAL

Printed by The Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN THE CHANCERY COURT OF BALDWIN COUNTY

To The Premises Known as Canal Cafe, Et als

Or To C.G. Chason, Solicitors of record.

Whereas, on the 14 day of September, 1958,

STATE OF ALABAMA, ex rel Kenneth Cooper, Solicitor, Complainant.

took an appeal from the decree rendered on the 28th day of August

1958, by the Circuit Court of said county, in the cause of

STATE OF ALABAMA, ex rel, Kenneth Cooper, Solicitor, Complainant

versus

THE PREMISES KNOWN AS CANAL CAFE. Et als.

Now, therefore, you are cited to appear as required by law, before the Supreme Court of Alabama, to defend on said appeal, if you think proper so to do.

Witness my hand this 14 day of September, 1958.

Register in Chancery.

ceived 25 day of Sept. 1958
d on 25 day of Sept. 1958
erved a copy of the within Citation
C. G. Chason

service on

TAYLOR WILKINS, Sheriff
By W. A. Tallent D. S.
0 mi

_____ Complainant

vs.

_____ Respondent

CITATION OF APPEAL

IN EQUITY

Issued _____ day of _____, 19____

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4337

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Kitty Martin et-al

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 THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIIA CIUB, A CORP. ET ALS, Defendant

by STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THET TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Plaintiff

Witness my hand this 23 day of July 19 58

Alice J. Duck, Clerk

No. 4337 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT BALDWIN COUNTY, ALA.

Plaintiffs

vs.

THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHOES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORP. ET AL

Defendants

Summons and Complaint

Filed July 23, 1958 19

Alice J. Duck 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, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
Complainant,	)	IN EQUITY
Vs.	)	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, POLK KOONCE, JR., GLADWIN WALKER AND KITTY MARTIN, PRESIDENT, VICE-PRESIDENT AND SECRETARY-TREASURER, RESPECTIVELY, OF GULF SHORES SOCIAL CLUB, DAVID E. DUNN, W.P. PICKETT,JR., VADA BALDWIN, R. E. LEE, DWIGHT STEELE, ROY WALKER AND RUBIN WALKER, MEMBERS OF SAID GULF SHORES SOCIAL CLUB, MARY HARDEN, MANAGER OF GULF SHORES SOCIAL CLUB AND OWNER AND OPERATOR OF CANAL CAFE, AND RUFUS HOWARD HARDEN,	)	CASE NO._____
Respondents.	)	

BILL OF COMPLAINT

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

Come the Complainant in above styled cause and respectfully represents and shows unto Your Honor as follows:

1. That the relator, Kenneth Cooper, is the duly elected Solicitor of the twenty-eighth Judicial Circuit, State of Alabama, Baldwin County, and is charged with the duty of prosecuting and defending any civil or equity action in this Honorable Court in the prosecution or defense of which the State of Alabama is interested.

2. That the relator, Kenneth Cooper, is bringing this action under the provisions of Chapter 3, Title 29, Code of Alabama, 1940, as amended.

3. That the Respondent, Canal Cafe is a building located on the west side of Alabama Highway No. 59, and approximately three hundred feet south of the intersection of the intercoastal Canal and Ala Highway # 59, at Gulf Shores, Ala.

4. That the Respondent, Gulf Shores Social Club, is a non-profit corporation, incorporated in Baldwin County, Alabama, under the provisions of Title 10, Chapter 10, Code of Alabama, 1940, as amended, and that the purpose of said Gulf Shores Social Club isthe literary advancement, the social advancement and the promotion of comradship and Americanism, character building and recreation of its members; and that the membership of the said corporation is limited exclusively to persons of good reputation and who are over 21 years of age; and that the clubhouse of said Gulf Shores Social Club is located at Gulf Shoes, Alabama, known as Canal Cafe.

5. That the Respondent Polk Koonce, Jr., is the President of the Gulf Shores Social Club according to the record on incorporation on file in the Office of Judge of Probate, Bay Minette, Alabama, and resides at Gulf shores, Alabama; that the Respondent Gladwin Walker is the Vice-President of the said Gulf Shores Social Club, and resides at Orange Beach, Alabama; that the Respondent Kitty Martin is the Secretary-Treasurer of the said Gulf Shores Social Club, and resides at 678 N. Turner Rd., Prichard, Alabama; that the Respondent David E. Dunn is a member of the said Gulf Shores Social Club and resides at Montgomery, Alabama; that the Respondents W.P. Pickett, Jr., Vada Baldwin, R.E. Lee, and Dwight Steele are members of the said Gulf Shores Social Club and reside at Gulf Shores, Alabama; that the Respondents Roy Walker and Rubin Walker are members of the said Gulf Shores Social Club and reside at Orange Beach, Alabama.

6. That the Respondent Mary Harden is the Manager of the Gulf Shores Social Club and also the owner and/or operator of the Canal Cafe, and that she resides at Gulf Shores, Alabama; and that the Respondent Rufus Howard Harden is a member of the Gulf Shoes Social Club and he resides at Gulf Shores, Alabama, and he, in practice, operates the Canal Cafe located at Gulf Shoes, Alabama.

7. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents permitted the Canal Cafe, located at Gulf Shores, Alabama, to be used for the unlawful manufacture, sale, furnishing, distilling, rectifying, brewing or keeping of liquors or beverages that are prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State.

8. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit, the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a house, shop or place where prohibited liquors and beverages were sold, bartered, exchanged or otherwise disposed of to be drank on or near the premises of the Canal Cafe; or that the said Respondents did maintain the said Canal Cafe where prohibited liquors, liquids or beverages were kept for the purpose of sale or other disposition in violation of the Laws of Alabama.

9. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a place of resort where prohibited liquors or beverages were permitted to be consumed, or the said Respondents did operate the Canal Cafe or a portion of the Canal Cafe as a place of resort where persons were permitted to resort for the purpose of drinking prohibited liquors or beverages on or about the premises of the said Canal Cafe.

10. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept or maintained, or permitted to be kept or maintained, the Canal Cafe, at Gulf Shores, Ala., as an unlawful drinking place in violation of the laws of the State of Alabama.

11. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept, operated, maintained, or permitted to be kept, operated or maintained, the Canal Cafe or a portion of the premises of the Canal Cafe, located at Gulf Shores, Alabama, as a restaurant, hotel, motel, or public eating place and or public dancing place where prohibited liquors or beverages were sold or served for beverage purposes.

12. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did permit their agents, servants or employees to maintain an unlawful drinking place, to-wit, Canal Cafe, located at Gulf Shores, Alabama,; or the said agents, servants or employees did sell, serve or other wise dispose of prohibited liquors or beverages on the premises of the Canal Cafe; or the said agents, servants or employees did permit persons to resort to the premises or building of the Canal Cafe at Gulf Shores, Alabama, to drink liquors or beverages in violation of the laws of the State of Ala.

13. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did advertise in the Mobile Press and the Mobile Press Register, both daily newspapers published in Mobile, Alabama, with wide circulation throughout Baldwin County, Alabama, and other South Alabama Counties

as follows:

" THIS YEAR ON
YOUR VACATION
TAKE ADVANTAGE
OF THE
GULF SHORES SOCIAL CLUB
Located at the Canal Cafe
GULF SHORES, ALABAMA
Open 24 hours every day.....never closes
BAND NIGHTLY FOR THE SUMMER!
Members and Their Guests Welcomed
Membership card $1 Year " and

" THIS YEAR ON
YOUR VACATION,
TAKE ADVANTAGE
OF THE
CANAL CAFE
AT INTRA-COASTAL CANAL
GULF SHORES, ALA
"Where Friends Meet"
Open 24 hours every day...never closes
BAND NIGHTLY FOR THE SUMMER . "

and in both types of advertisements in said papers there appeared in the upper right-hand corner of said advertisements the picture of a cocktail glass and two or more dancing couples, which said advertising constitutes a violation of the Alabama Beverage Control law and the Rules and Regulations promuglated by the Alabama Alcoholic Beverage Control Board in that they advertise liquors or beverages sold, served or otherwise disposed of at the Canal Cafe.

14. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Mary Harden, acting as manager of the Gulf Shores Social Club and owner and operator of the Canal Cafe, and the Respondent Rufus Howard Harden, did fraudulently and

unlawfully serve, give away or otherwise dispose of liquors or beverages on the premises or within the building of the Canal Cafe.

15. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents Mary Harden and Rufus Howard Harden did unlawfully, illegally and fraudulently sell, furnish or keep liquors or beverages that are prohibited by the laws of the State of Alabama to be sold or otherwise disposed of in the Canal Cafe at Gulf Shores, Alabama, in that the said Respondents used, for their personal benefit and gain the liquor license issued for the exclusive use of the Gulf Shores Social Club and its members.

16. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Gulf Shores Social Club has violated the terms of its Constitution by taking in one or more persons as members whose reputation is not good.

17. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Gulf Shores Social Club failed to operate in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed to register in the Office of Judge of Probate of Baldwin County, Ala., the name and address of its registered agent or agents as required by law.

18. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencment of this suit the Respondent Gulf Shores Social Club has failed to maintain the books and records in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed or refused to maintain correct and complete books and records of accounts, minutes of proceedings, of its members, and the record of the names and addresses

of its members entitled to vote; and further, that the Gulf Shores Social Club has failed, refused or otherwise refrained to furnish to your Relator, Kenneth Cooper, the said records, although the appropriate demand has been made as required by law.

19. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit that all profits received from the sale, serving or furnishing of liquors or beverages to members and their guests of the Gulf Shores Social Club, and all other consumers of liquors on the premises of the Canal Cafe, have been for the benefit and control of the Respondents Mary Harden and Rufus Howard Harden, and not in accordance with the Constitution and By-Laws of the Gulf Shores Social Club.

PRAYER FOR PROCESS:

Wherefore the Premises Considered, the Complainant prays that appropriate process issue out of this Honorable Court requiring the Respondents to plead, answer or demur to this Bill of Complaint within the time required by law, and failing therein, that a decree pro confesso be taken against them as to all things confessed.

PRAYER FOR RELIEF:

FOR TEMPORARY RESTRAINING ORDER: Your Complainant further prays that Your Honor will issue a temporary restraining order restraining the Respondents from selling, furnishing, storing, keeping or otherwise disposing of liquors or beverages on the premises known as the Canal Cafe, or at any other place in Baldwin County, Alabama, operated by the Gulf Shores Social Club until the decision of this Honorable Court granting or refusing the perpetual injunction hereinafter applied for.

FOR WRIT OF SEIZURE: That Your Honor forthwith issue a writ of seizure and as many other writs as may be necessary authorizing the Sheriff of Baldwin County,

or his Deputy or Deputies to seize any and all liquors and alcoholic beverages, glasses of all kinds used in t serving of alcoholic drinks, mixing containers, movable bars, stocks, measuring containers, trays, and any and all other items used in serving such liquors and/or alcoholic beverages used in keeping the Canal Cafe as a liquor nuisance.

FOR ORDER TO IMMEDIATELY PADLOCK THE CANAL CAFE: Your Complainant further prays that Your Honor will immediately issue an order, directed to the Sheriff of Baldwin County, Alabama, that the Canal Cafe and/or any part of the premises of the Canal Cafe used by the Gulf Shores Social Club, or members of the said Gulf Shores Social Club, be padlocked as a necessary remedy to enforcethe laws of the State of Alabama, t

FOR TEMPORARY INJUNCTION: That Your Honor issue a temporary restraining order or temporary injunction, enjoining the Respondents, and any and all persons, firms, or corporations from maintaining the Canal Cafe, and/or that portion of the premises of said Canal Cafe used by the Gulf Shores Social Club and its members, as a liquor nuisance; and enjoining and restraining the Respondents and any and all persons, firms and corporations from resorting to said premises for the purpose of selling, serving, or furnishing or consuming prohibited liquors, or otherwise causing a liquor nuisance.

TO SET A DAY FOR HEARING: That Your Honor will set a day for the hearing of said application for a temporary injunction and cause notice of said hearing to be served on the Respondents named herein.

FOR ORDER CLOSING CANAL CAFE AS A LIQUOR NUISANCE: That upon the hearing of the temporary injunction herein applied for, Your Honor will declare the premises known as the Canal Cafe, and/or that portion of the premises of the Canal Cafe operated by the said Gulf Shores Social Club, to be a liquor nuisance, and will issue an order closing the Canal Cafe and/or that portion of

the Canal Cafe operated by or in the name of the Gulf Shores Social Club, for any use whatsoever until final decision has been rendered on the application of the Complainant for a permanent injunction hereinafter applied for.

FOR PERPETUAL INJUNCTION: That upon a final hearing hereof the Complainant prays that the Respondents and any and all other persons, firms, associations and corporations be perpetually enjoined from any selling, buying, furnishing, keeping. storing or disposal of liquors or alcoholic beverages on the premises of the Canal Cafe or any portion of the premises thereof, or at any other place in Baldwin County, Alabama; and that the Respondent Gulf Shores Social Club, Incorporated, be dissolved in accordance with the laws and statutes of the State of Alabama, because of its failure to comply with the laws of the State of Alabama.

And if your Complainant be mistaken in the relief for which it has prayed then it prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted,

Kenneth Cooper

Kenneth Cooper
Circuit Solicitor
28th Judicial Circuit
State of Alabama.

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me the undersigned authority, personally appeared Kenneth Cooper, who, being by me first duly sworn, deposes and says that he is the Circuit Solicitor for the 28th Judicial Circuit, State of Alabama, and is the person whose signature is affixed to the foregoing Bill of Complaint and that the matters and things therein alleged are true therein as averred, except the matters and things averred on information and belief, which matters and things he verily believes to be true as therein alleged.

Kenneth Cooper

Sworn and subscribed to before
me this 23 th day of July, 1958.

Alice J. Nuck
Clerk of Circuit Court

STATE OF ALABAMA)
) IN THE CIRCUIT COURT OF BALDWIN COUNTY
BALDWIN COUNTY) ALABAMA

TO THE HONORABLE HUBERT M. HALL, JUDGE, 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA

Comes Mary Harden and shows unto your Honor as follows:

1. That on the 16th day of July, 1958 there was served upon her by the sheriff of Baldwin County, Alabama, an instrument in writing designated as a "subpoena decus tecum", a copy of which is attached hereto marked "Exhibit A", and specifically made a part hereof.

2. That she is not an officer or director ofGulf Shores Social Club, Inc., therefore is not authorized to produce records of the said Gulf Shores Social Club, Inc.

3. That the papers and documents are not properly described.

4. That she has in her possession only a very few minor records or documents pertaining to the Gulf Shores Social Club and submits that these are not in her "control".

5. That to fully obey the subpoena attached hereto and marked "Exhibit A" would violate her rights against self incrimination.

6. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in the Fifth Amendment of the Constitution of the United Stated.

7. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in the Fourteenth Amendment of the Constitution of the United States.

8. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in Section 5 of Article 1 of the Constitution of the State of Alabama.

9. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumer-

ated in Section 6 of Article 1 of the Constitution of the State of Alabama.

10. That the subpoena attached hereto marked "Exhibit A" is void in that it is returnable to a person not entitled to the benefits thereof.

11. That the subpoena attached hereto marked "Exhibit A" is not in aid of any cause pending in the Courts of the State of Alabama.

12. That the subpoena attached hereto marked "Exhibit A" calls for testimony which would not be admissible in a trial of a cause by the State of Alabama against Gulf Shores Social Club, Inc.

13. That the Clerk of the Circuit Court is not authorized to issue a subpoena decus tecum returnable to the Circuit Solicitor.

14. That the Clerk of the Circuit Court has no authority to require Mary Harden to testify to the Solicitor.

15. That the Circuit Solicitor is not authorized to require testimony to himself.

16. That the Circuit Solicitor is not authorized to require the production of documents to himself.

Mary Harden therefore prays that your Honor will set a day for hearing of this her plea; that a copy hereof be served upon Kenneth Cooper, Circuit Solicitor of Baldwin County, Alabama, and upon Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama; that a copy of the order fixing the time and place of hearing hereon will be served upon the said Kenneth Cooper and Alice J. Duck, and that upon a hearing hereon, your Honor will declare the subpoena vacated; that she not be required to answer or to appear; and that she not be required to furnish any records or be required to furnish or give testimony as provided in said subpoena.

Mary C. Harden
Petitioner

Attorney for Petitioner

"EXHIBIT A"

SUBPOENA DECUS TECUM

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon Mary Harden, Manager, Gulf Shores Social Club, Incorporated, of Gulf Shores, Alabama, at the instance of the State of Alabama, if she should be found in your county, personally to be and appear before the Circuit Solicitor of Baldwin County, Alabama, to-wit, Hon Kenneth Cooper, to be holden at the Court House in Bay Minette, Alabama, to-wit, on the 17th day of July, 1958, and to bring with her and produce at 1:00 PM at the place aforesaid, in the Circuit Solicitor's office, the following records pertaining to the Gulf Shores Social Club, of Gulf Shores, Alabama, since its incorporation on September 23rd, 1957:

Declaration or charter of Gulf Shores Social Club, Inc.;
Constitution and By-Lays of Gulf Shores Social Club, Inc.;
List of all members of Gulf Shores Social Club, Inc.;
Membership list of Board of Directors of Gulf Shores Social Club, Inc.;
Minutes of all meetings of Gulf Shores Social Club since its incorporation;
All correspondence relating to Gulf Shores Social Club, Inc.;
All records of financial transactions, including cancelled checks, vouchers and bank statements;
Complete record of all liquors purchased since incorporation of Gulf Shores Social Club, Inc.: and
all records of employment of individuals employed by the Gulf Shores Social Club, Inc.,

and then and there testify and the truth to speak concerning the records of which they may have knowledge, or the said

instruments of writing doth import of, and concerning an investigation now pending in said Court, wherein the State of Alabama is Plaintiff and the Gulf Shores Socil Club, Inc., is the Defendant. And this they shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your indorsement thereto in what manner you have executed the same.

Witness my hand this 16th day of July, 1958.

(Signed) Alice J. Duck
Clerk of Circuit Court

_____Div. No._____ CERTIFICATE OF APPEAL. (Equity Cases.)

No. 4337

STATE OF ALABAMA, Ex rel Kenneth Cooper, Solicitor
Complainant.

vs.

THE PREMISES KNOWN AS CANAL CAFE, Et Als
Respondent.

I, Alice J. Duck Register of the Circuit Court In Equity, Baldwin County, Alabama, hereby certify that in the cause of STATE OF ALABAMA, Ex rel Kenneth Cooper, Solicitor Complainant,

vs.

The PrEMISES KNOWN AS CANAL EAFE, ET ALS, Respondent, which was tried and determined in this Court on the 28 day of August 19 58, in which there was a decree in favor of the Respondents.

On the 14 day of September 19 58, the STATE OF ALABAMA, ex rel Kenneth Cooper, Solicitor, Complainant took an appeal to the Supreme Court of Alabama, to be holden of and for said State.

I further certify that No Bond was Filed filed security for cost of appeal, to the _____ Court, on the _____ day of _____ 19__, and that _____, _____ are sureties on the appeal bond.

I further certify that notice of said appeal was on the 25th day of September, 19 58, served on C. G. Chason as attorney of record for said appellee.

Witness my hand and the seal of this Court, this the 25 day of September, 19 58

Alice J. Duck

Register of the Circuit Court In Equity of

Baldwin County, Alabama.

Montgomery, Ala., November 18 19 58

Mr. STATE OF ALABAMA, _____ Dr.

per _____

_____, Alabama,

To J. RENDER THOMAS,

Clerk of the Supreme Court of Alabama,

Montgomery, Ala.

LITHO-SKINNER-MONTGOMERY

19

To Costs of Appeal in Supreme Court,

1st Div. No. 793

State of Ala. ex rel. Kenneth Cooper, as Solicitor, Appellant,

vs.

Canal Cafe, et al., Appellees,

From Baldwin Circuit Court In Equity

Received payment,

_____

Clerk of Supreme Court.

19

Per _____

Docketing Cause	$ .30
Entering Attorney	(.30) (.15) .60
Bond	(.50)
Appeal or Writ of Error	.50
Order	(.50)
Continuance	(.25)
Judgment	1.00
Mandate or Certificate to Court below	2.00
Writ of Scire Facias, or other writ	(1.00)
Filing same with return	($20)
Writ of Fieri Facias	(1.00)
Taxing cost, copying, and entering satisfaction	.85
Copying	----
Fee (Tit. 11, Sec. 28)	4.00
Library fee	(5.00)
Sheriff's fee	(.50)
Attorney General's fee	----
(over)	$9.25

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing bill is due, correct and unpaid.

J. Render Thomas

Clerk Supreme Court

Sworn to and subscribed before me, this the 18th day of November, 1958.

Louise L. Holt

Notary Public

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

J. RENDER THOMAS
CLERK

January 26, 1959

Mr. Kenneth Cooper, Solicitor
Twenty-eighth Judicial Circuit
Bay Minette, Alabama

Dear Mr. Cooper:

Enclosed is a cost bill against the State of Alabama in the Canal Cafe case and copy of letter from the Attorney General which is self-explanatory. The delay in forwarding this bill to you was due to illness of one of my clerks.

Yours very truly,

J. Render Thomas

J. Render Thomas
Clerk Supreme Court

JRT/lh

Montgomery, Ala., November 18 19 58

Mr. STATE OF ALABAMA, _____ Dr.

per _____

_____, Alabama,

To J. RENDER THOMAS,

Clerk of the Supreme Court of Alabama,

Montgomery, Ala.

LITHO-SKINNER-MONTGOMERY

19

To Costs of Appeal in Supreme Court,

1st Div. No. 793

State of Ala. ex rel. Kenneth Cooper, as Solicitor, Appellant,

vs.

Canal Cafe, et al., Appellee,

From Baldwin Circuit Court
In Equity

Received payment,

_____
Clerk of Supreme Court.

19

Per _____

Docketing Cause	$ .30
Entering Attorney	~~1.30~~ ~~.60~~ .60
Bond	~~1.50~~
Appeal or Writ of Error	.50
Order	~~1.50~~
Continuance	~~.25~~
Judgment	1.00
Mandate or Certificate to Court below	2.00
Writ of Scire Facias, or other writ	~~1.00~~
Filing same with return	~~.20~~
Writ of Fieri Facias	~~1.60~~
Taxing cost, copying, and entering satisfaction	.85
Copying	----
Fee (Tit. 11, Sec. 28)	4.00
Library fee	~~5.00~~
Sheriff's fee	~~1.50~~
Attorney General's fee	----
(over)	$9.25

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing bill is due, correct and unpaid.

J. Render Thomas.
Clerk Supreme Court

Sworn to and subscribed before me, this the 18th day of November, 1958.

Louise L. Hall
Notary Public

Montgomery, Ala., November 18 19 58

Mr. STATE OF ALABAMA, _____ Dr.

per _____

_____, Alabama,

To J. RENDER THOMAS,

Clerk of the Supreme Court of Alabama,

Montgomery, Ala.

LITHO-SKINNER-MONTGOMERY

19

To Costs of Appeal in Supreme Court,

1st Div. No. 793

State of Ala. ex rel. Kenneth Cooper, as Solicitor, Appellant,

vs.

Canal Cafe, et al., Appellee,

From Baldwin Circuit Court In Equity

Received payment,

_____

Clerk of Supreme Court.

19

Per _____

Docketing Cause	$ .30
Entering Attorney	(.30) .60
Bond	(.50)
Appeal or Writ of Error	.50
Order	(.50)
Continuance	(.25)
Judgment	1.00
Mandate or Certificate to Court below	2.00
Writ of Scire Facias, or other writ	(1.00)
Filing same with return	(.20)
Writ of Fieri Facias	(1.60)
Taxing cost, copying, and entering satisfaction	.85
Copying	----
Fee (Tit. 11, Sec. 28)	4.00
Library fee	(5.00)
Sheriff's fee	(.50)
Attorney General's fee	----
(over)	$9.25

No. 4337

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1958-59

To the REGISTER of the CIRCUIT Court of

BALDWIN County, Greeting:

Whereas, the Record and Proceedings of the CIRCUIT Court IN EQUITY of said county, in a certain cause lately pending in said Court between

THE STATE OF ALABAMA ex rel. KENNETH COOPER, as SOLICITOR OF THE 28th JUDICIAL CIRCUIT OF ALABAMA, Appellant,

and

THE PREMISES KNOWN AS CANAL CAFE, ET AL., AppelleeS

wherein by said Court, ~~at the Term, 19~~, it was considered adversely to said appellant -, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant -:

Now, it is hereby certified, That it was thereupon considered and ordered by our Supreme Court on the 18th day of NOVEMBER 1958, * * * * * * * ON MOTION OF THE APPELLANT * * *, that the said appeal be and stand dismissed; and that it was further considered that the appellant, ~~and~~ :-

THE STATE OF ALABAMA,

PAY

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue accordingly.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, at the Judicial Department
Building, this the

18th day of NOVEMBER 1958

J. Render Thomas,
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 58-59

1st *Div., No.* 793

THE STATE OF ALABAMA ex rel. KENNETH COOPER, as SOLICITOR OF THE 28th JUDICIAL CIRCUIT OF ALABAMA - - - - - - - *Appellant,*

v.

THE PREMISES KNOWN AS CANAL CAFE, ET AL.,

Appellees.

From BALDWIN CIRCUIT IN EQUITY NO. 4337 *Court.*

CERTIFICATE OF DISMISSAL

The State of Alabama,
County. } *Filed*

this 20 *day of* Nov 19 58

Reid Jewell

BROWN PRINTING CO., MONTGOMERY 1957

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4337

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon David E. Dunn

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 THE PREMISES KNOWN AS CANAL AFE, LOCATED AT GULF SHORES, ALABAMA. GULF SHORES SOCIIA CLUB, A CORP. ET AIS Defendant

by STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THET TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Plaintiff

Witness my hand this 23 day of July 19 58

Alice J. Huck, Clerk

No. 4337 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT BALDWIN COUNTY, ALA. Plaintiffs

vs.

THE PREMISES KNOWN AS CANAL CAFE, X LOCATED AT GULF SHOES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORP. ET AL

Defendants

Summons and Complaint

Filed July 23, 1958 19

Alice J Duck 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, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
Complainant,	)	IN EQUITY
Vs.	)	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, POLK KOONCE, JR., GLADWIN WALKER AND KITTY MARTIN, PRESIDENT, VICE-PRESIDENT AND SECRETARY-TREASURER, RESPECTIVELY, OF GULF SHORES SOCIAL CLUB, DAVID E. DUNN, W.P. PICKETT,JR., VADA BALDWIN, R. E. LEE, DWIGHT STEELE, ROY WALKER AND RUBIN WALKER, MEMBERS OF SAID GULF SHORES SOCIAL CLUB, MARY HARDEN, MANAGER OF GULF SHORES SOCIAL CLUB AND OWNER AND OPERATOR OF CANAL CAFE, AND RUFUS HOWARD HARDEN,	)	CASE NO._____
Respondents.	)	

BILL OF COMPLAINT

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

Come the Complainant in above styled cause and respectfully represents and shows unto Your Honor as follows:

1. That the relator, Kenneth Cooper, is the duly elected Solicitor of the twenty-eighth Judicial Circuit, State of Alabama, Baldwin County, and is charged with the duty of prosecuting and defending any civil or equity action in this Honorable Court in the prosecution or defense of which the State of Alabama is interested.

2. That the relator, Kenneth Cooper, is bringing this action under the provisions of Chapter 3, Title 29, Code of Alabama, 1940, as amended.

3. That the Respondent, Canal Cafe is a building located on the west side of Alabama Highway No. 59, and approximately three hundred feet south of the intersection of the intercoastal Canal and Ala Highway # 59, at Gulf Shores, Ala.

4. That the Respondent, Gulf Shores Social Club, is a non-profit corporation, incorporated in Baldwin County, Alabama, under the provisions of Title 10, Chapter 10, Code of Alabama, 1940, as amended, and that the purpose of said Gulf Shores Social Club is the literary advancement, the social advancement and the promotion of comradship and Americanism, character building and recreation of its members; and that the membership of the said corporation is limited exclusively to persons of good reputation and who are over 21 years of age; and that the clubhouse of said Gulf Shores Social Club is located at Gulf Shoes, Alabama, known as Canal Cafe.

5. That the Respondent Polk Koonce, Jr., is the President of the Gulf Shores Social Club according to the record on incorporation on file in the Office of Judge of Probate, Bay Minette, Alabama, and resides at Gulf shores, Alabama; that the Respondent Gladwin Walker is the Vice-President of the said Gulf Shores Social Club, and resides at Orange Beach, Alabama; that the Respondent Kitty Martin is the Secretary-Treasurer of the said Gulf Shores Social Club, and resides at 678 N. Turner Rd., Prichard, Alabama; that the Respondent David E. Dunn is a member of the said Gulf Shores Social Club and resides at Montgomery, Alabama; that the Respondents W.P. Pickett, Jr., Vada Baldwin, R.E. Lee, and Dwight Steele are members of the said Gulf Shores Social Club and reside at Gulf Shores, Alabama; that the Respondents Roy Walker and Rubin Walker are members of the said Gulf Shores Social Club and reside at Orange Beach, Alabama.

6. That the Respondent Mary Harden is the Manager of the Gulf Shores Social Club and also the owner and/or operator of the Canal Cafe, and that she resides at Gulf Shores, Alabama; and that the Respondent Rufus Howard Harden is a member of the Gulf Shoes Social Club and he resides at Gulf Shores, Alabama, and he, in practice, operates the Canal Cafe located at Gulf Shoes, Alabama.

7. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents permitted the Canal Cafe, located at Gulf Shores, Alabama, to be used for the unlawful manufacture, sale, furnishing, distilling, rectifying, brewing or keeping of liquors or beverages that are prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State.

8. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit, the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a house, shop or place where prohibited liquors and beverages were sold, bartered, exchanged or otherwise disposed of to be drank on or near the premises of the Canal Cafe; or that the said Respondents did maintain the said Canal Cafe where prohibited liquors, liquids or beverages were kept for the purpose of sale or other disposition in violation of the Laws of Alabama.

9. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a place of resort where prohibited liquors or beverages were permitted to be consumed, or the said Respondents did operate the Canal Cafe or a portion of the Canal Cafe as a place of resort where persons were permitted to resort for the purpose of drinking prohibited liquors or beverages on or about the premises of the said Canal Cafe.

10. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept or maintained, or permitted to be kept or maintained, the Canal Cafe, at Gulf Shores, Ala., as an unlawful drinking place in violation of the laws of the State of Alabama.

11. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept, operated, maintained, or permitted to be kept, operated or maintained, the Canal Cafe or a portion of the premises of the Canal Cafe, located at Gulf Shores, Alabama, as a restaurant, hotel, motel, or public eating place and or public dancing place where prohibited liquors or beverages were sold or served for beverage purposes.

12. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did permit their agents, servants or employees to maintain an unlawful drinking place, to-wit, Canal Cafe, located at Gulf Shores, Alabama,; or the said agents, servants or employees did sell, serve or other wise dispose of prohibited liquors or beverages on the premises of the Canal Cafe; or the said agents, servants or employees did permit persons to resort to the premises or building of the Canal Cafe at Gulf Shores, Alabama, to drink liquors or beverages in violation of the laws of the State of Ala.

13. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did advertise in the Mobile Press and the Mobile Press Register, both daily newspapers published in Mobile, Alabama, with wide circulation throughout Baldwin County, Alabama, and other South Alabama Counties

as follows:

" THIS YEAR ON
YOUR VACATION
TAKE ADVANTAGE
OF THE
GULF SHORES SOCIAL CLUB
Located at the Canal Cafe
GULF SHORES, ALABAMA
Open 24 hours every day.....never closes
BAND NIGHTLY FOR THE SUMMER:
Members and Their Guests Welcomed
Membership card $1 Year " and

" THIS YEAR ON
YOUR VACATION,
TAKE ADVANTAGE
OF THE
CANAL CAFE
AT INTRA-COASTAL CANAL
GULF SHORES, ALA
"Where Friends Meet"
Open 24 hours every day...never closes
BAND NIGHTLY FOR THE SUMMER . "

and in both types of advertisements in said papers there appeared in the upper right-hand corner of said advertisements the picture of a cocktail glass and two or more dancing couples, which said advertising constitutes a violation of the Alabama Beverage Control law and the Rules and Regulations promuglated by the Alabama Alcoholic Beverage Control Board in that they advertise liquors or beverages sold, served or otherwise disposed of at the Canal Cafe.

14. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Mary Harden, acting as manager of the Gulf Shores Social Club and owner and operator of the Canal Cafe, and the Respondent Rufus Howard Harden, did fraudulently and

unlawfully serve, give away or otherwise dispose of liquors or beverages on the premises or within the building of the Canal Cafe.

15. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents Mary Harden and Rufus Howard Harden did unlawfully, illegally and fraudulently sell, furnish or keep liquors or beverages that are prohibited by the laws of the State of Alabama to be sold or otherwise disposed of in the Canal Cafe at Gulf Shores, Alabama, in that the said Respondents used, for their personal benefit and gain the liquor license issued for the exclusive use of the Gulf Shores Social Club and its members.

16. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Gulf Shores Social Club has violated the terms of its Constitution by taking in one or more persons as members whose reputation is not good.

17. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Gulf Shores Social Club failed to operate in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed to register in the Office of Judge of Probate of Baldwin County, Ala., the name and address of its registered agent or agents as required by law.

18. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencment of this suit the Respondent Gulf Shores Social Club has failed to maintain the books and records in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed or refused to maintain correct and complete books and records of accounts, minutes of proceedings, of its members, and the record of the names and addresses

of its members entitled to vote; and further, that the Gulf Shores Social Club has failed, refused or otherwise refrained to furnish to your Relator, Kenneth Cooper, the said records, although the appropriate demand has been made as required by law.

19. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit that all profits received from the sale, serving or furnishing of liquors or beverages to members and their guests of the Gulf Shores Social Club, and all other consumers of liquors on the premises of the Canal Cafe, have been for the benefit and control of the Respondents Mary Harden and Rufus Howard Harden, and not in accordance with the Constitution and By-Laws of the Gulf Shores Social Club.

PRAYER FOR PROCESS:

Wherefore the Premises Considered, the Complainant prays that appropriate process issue out of this Honorable Court requiring the Respondents to plead, answer or demur to this Bill of Complaint within the time required by law, and failing therein, that a decree pro confesso be taken against them as to all things confessed.

PRAYER FOR RELIEF:

FOR TEMPORARY RESTRAINING ORDER: Your Complainant further prays that Your Honor will issue a temporary restraining order restraining the Respondents from selling, furnishing, storing, keeping or otherwise disposing of liquors or beverages on the premises known as the Canal Cafe, or at any other place in Baldwin County, Alabama, operated by the Gulf Shores Social Club until the decision of this Honorable Court granting or refusing the perpetual injunction hereinafter applied for.

FOR WRIT OF SEIZURE: That Your Honor forthwith issue a writ of seizure and as many other writs as may be necessary authorizing the Sheriff of Baldwin County,

or his Deputy or Deputies to seize any and all liquors and alcoholic beverages, glasses of all kinds used in serving of alcoholic drinks, mixing containers, movable bars, stocks, measuring containers, trays, and any and all other items used in serving such liquors and/or alcoholic beverages used in keeping the Canal Cafe as a liquor nuisance.

FOR ORDER TO IMMEDIATELY PADLOCK THE CANAL CAFE: Your Complainant further prays that Your Honor will immediately issue an order, directed to the Sheriff of Baldwin County, Alabama, that the Canal Cafe and/or any part of the premises of the Canal Cafe used by the Gulf Shores Social Club, or members of the said Gulf Shores Social Club, be padlocked as a necessary remedy to enforcethe laws of the State of Alabama.

FOR TEMPORARY INJUNCTION: That Your Honor issue a temporary restraining order or temporary injunction, enjoining the Respondents, and any and all persons, firms, or corporations from maintaining the Canal Cafe, and/or that portion of the premises of said Canal Cafe used by the Gulf Shores Social Club and its members, as a liquor nuisance; and enjoining and restraining the Respondents and any and all persons, firms and corporations from resorting to said premises for the purpose of selling, serving, or furnishing or consuming prohibited liquors, or otherwise causing a liquor nuisance.

TO SET A DAY FOR HEARING: That Your Honor will set a day for the hearing of said application for a temporary injunction and cause notice of said hearing to be served on the Respondents named herein.

FOR ORDER CLOSING CANAL CAFE AS A LIQUOR NUISANCE: That upon the hearing of the temporary injunction herein applied for, Your Honor will declare the premises known as the Canal Cafe, and/or that portion of the premises of the Canal Cafe operated by the said Gulf Shores Social Club, to be a liquor nuisance, and will issue an order closing the Canal Cafe and/or that portion of

the Canal Cafe operated by or in the name of the Gulf Shores Social Club, for any use whatsoever until final decision has been rendered on the application of the Complainant for a permanent injunction hereinafter applied for.

FOR PERPETUAL INJUNCTION: That upon a final hearing hereof the Complainant prays that the Respondents and any and all other persons, firms, associations and corporations be perpetually enjoined from any selling, buying, furnishing, keeping. storing or disposal of liquors or alcoholic beverages on the premises of the Canal Cafe or any portion of the premises thereof, or at any other place in Baldwin County, Alabama; and that the Respondent Gulf Shores Social Club, Incorporated, be dissolved in accordance with the laws and statutes of the State of Alabama, because of its failure to comply with the laws of the State of Alabama.

And if your Complainant be mistaken in the relief for which it has prayed then it prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted,

Kenneth Cooper

Kenneth Cooper

Circuit Solicitor

28th Judicial Circuit

State of Alabama.

4337

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me the undersigned authority, personally appeared Kenneth Cooper, who, being by me first duly sworn, deposes and says that he is the Circuit Solicitor for the 28th Judicial Circuit, State of Alabama, and is the person whose signature is affixed to the foregoing Bill of Complaint and that the matters and things therein alleged are true therein as averred, except the matters and things averred on information and belief, which matters and things he verily believes to be true as therein alleged.

Kenneth Cooper

Sworn and subscribed to before me this 23th day of July, 1958.

Alice J. Huck
Clerk of Circuit Court

1122

ORIGINAL

RECEIVED IN OFFICE

JUL 28 1958

M. S. BUTLER, Sheriff

EXECUTED BY SERVING A
COPY OF THE WITHIN

David E. Dunne

This the 28 day of July 1958

M. S. BUTLER
Sheriff Montgomery County

By Smith
Deputy Sheriff

Filed 9-23-58

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Complainant,	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
-vs-	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, ET AL, REspondents.	CASE NO. 4337

Come the Respondents, The Premises known as Canal Cafe, Gulf Shores Social Club, a corporation, Polk Koonce, Jr., Gladwin Walker, David E. Dunn, Dwight Steele, Roy Walker, Rubin Walker, Mary Harden and Rufus Howard HArden, and in answer to the Bill of Complaint heretofore filed in said cause, say as follows:-

1. They neither admit nor deny Paragraph 1 of the Bill of Complaint, but demand strict proof thereof.

2. They admit Paragraph 2 of the BIll of Complaint.

3. They neither admit nor deny Paragraph 3 of the Bill of Complaint, but demand strict proof thereof.

4. They neither admit nor deny Paragraph 4 of the Bill of Complaint, except that portion thereof, which states "that the clubhouse of said Gulf Shores Social Club is located at Gulf Shores, Alabama, known as Canal Cafe.", which is denied, and strict proof demanded of all of Paragraph 4.

5. They neither admit nor deny Paragraph 5 of the Bill of Complaint, but demand strict proof thereof.

6. Respondents admit the allegations of Paragraph 6 of the Bill of Complaint, except that portion thereof which states that Rufus Howard Harden "in practice operates the Canal Cafe, located at Gulf Shores, ALAbama", this being specifically denied. And in further answer thereto shows that Paragraph 6 within its own allegation shows that the said Respondent, Mary Harden, is the owner and operator of the Canal Cafe.

7. Respondents deny the allegations of Paragraph 7 of the Bill of Complaint, and demand strict proof thereof.

8. Respondents deny the allegations of Paragraph 8 of the Bill of Complaint.

9. Respondents deny the allegations of Paragraph 9 of the Bill of Complaint, and further show that Mary Harden is the operator of the Canal Cafe, at Gulf Shores, Alabama. The Respondents further show that the premises operated by the said Mary Harden, as Canal Cafe, occupies a portion of a larger building and Respondents emphatically deny the allegations of Paragraph 9 as to the portion operated as Canal Cafe.

10. Respondents deny the allegations of Paragraph 10 of the Bill of Complaint and demand strict proof thereof.

11. Respondents admit that the Canal Cafe has been operated or maintained as a resturant or public eating place, but deny the remaining allegations of Paragraph 11 and demand strict proof thereof.

12. Respondents deny the allegations of Paragraph 12 and demand strict proof thereof. Respondents further show that if an unlawful drinking place was maintained or prohibited liquors or beverages served by agents, servants or employees of the Respondents, or any of them, that it was done without the knowledge or consent of the employer, and not with permission or knowledge of the said employer.

13. Respondents neither admit nor deny that within six (6) months prior to the commencement of this suit, advertisements as set out in Paragraph 13 of the Complaint were run in daily newspapers, but do emphatically deny that said advertising "constitutes a violation of the Alabama Beverage Control Law and the rules and regulations promulgated by the Alabama Alcoholic Beverage Board". Respondents further deny that said advertisments as set out in PAragraph 13 "advertise liquors or beverages sold, served or otherwise disposed of at the Canal Cafe", and Respondents demand strict proof of all of the allegations of said Paragraph 13.

C. G. C.

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14. Respondents deny the allegations of Paragraph 14 and demand strict proof thereof.

15. Respondents deny the allegations of Paragraph 15 and demand strict proof thereof.

16. Respondents deny the allegations of Paragraph 16 of the Bill of Complaint and demand strict proof thereof, and further show that if there has been a violation of the terms of the Constitution of the Gulf Shores Social Club as set out in Paragraph 16 it was without their knowledge, agency or consent.

17. Respondents show that Paragraph 17 of the Bill of Complaint is frivilous and has no bearing on a proceeding of this nature, therefore, neither accept or deny the provisions of Paragraph 17 of the Bill.

18. Respondents deny that any "appropriate demand has been made as required by Law" for books and records of Gulf Shores Social Club as set out in Paragraph 18, and demand strict proof thereof, and further show unto the Court that the remainder of Paragraph 18 is frivilous and has no bearing on a proceeding of this nature, therefore, neither answer or deny that portion of Paragraph 18 of the Bill.

19. Respondents believe Paragraph 19 to be frivilous and of no importance in a proceeding of this nature, and that they should not be required to answer same, however, they do deny the allegations of Paragraph 19, and demand strict proof thereof.

20. Respondents demand strict proof of any allegation of the Bill of Complaint not herein specifically admitted.

And now for further answer to the Bill of Complaint, Respondents show that Paragraph 2 of said Bill of Complaint sets out that "the relator, Kenneth Cooper, is bringing this action under the provisions of Chapter 3, Title 29, of the Code of Alabama of 1940, as amended". Respondents show that the first Section of Article I, Chapter 3, Title 29, of the Code of Alabama of 1940, being Section 92 of said Title 29, is entitled "Scope of Chapter" and provides as follows:- "Pursuant to the provisions of Section 68 and 75 of this Title, the following Sections of this Chapter

C. G. C.

shall be applicable in all "dry counties" as the same are defined in Section 68; and shall apply to the manufacture or possession of illicit, distilled liquors or apparatus for the manufacutre of the same, as specified in Section 75 in this State". Respondents show that Baldwin County, Alabama, in whose Courts this petition is pending, is a "wet county" as defined in said Section 68, and not a "dry county" as therein defined, therefore, Complainant must be restricted in his evidence or proof only to the "Laws of Alabama relating to the manufacture or possession of illicit distilled liquor or apparatus for the manufacture of same" as is provided in Section 75 of Title 29 of the Code of Alabama of 1940. Respondents explicitly deny any such manufacture or possession and demand strict proof thereof.

Attorney for Respondents

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. G. C. Gason, a Notary Public in and for said Said County in said State, personally appeared MARY HARDEN, who, being by me first duly and legally sworn, deposes and says: That she is one of the Respondents to the Bill of Complaint filed in this cause, and is familiar with the matters and facts set out in the foregoing answer, and that the matters and ~~af~~ facts therein alleged are true and correct to the best of her knowledge, information and belief.

Mary Harden

Sworn to and subscribed before me,
a Notary Public, on this the 19th day of August, 1958.

filed 8-28-58

C. G. C. Gason

Notary Public, Baldwin County, Alabama

Filed 8/28/18
Hurley
RCS

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Complainant,	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY
-vs- THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, ET AL, Respondents.	CASE NO. 4337

Come the Respondents, The Premises known as Canal Cafe, Gulf Shores Social Club, a corporation, Polk Koonce, Jr., Gladwin Walker, David E. Dunn, Dwight Steele, Roy Walker, Rubin Walker, Mary Harden and Rufus Howard Harden, and demur, separately and severally, to the Bill of Complaint heretofore filed in this cause, and separately and severally, to each aspect thereof, and as grounds therefor, assign, separately and severally, the following:-

1. That there is no equity in the Bill.

2. That the Bill is multifarious.

3. That no facts are alleged which warrant interposition of equity.

4. That the complaint affirmatively shows that there is an adequate remedy at law.

5. That it is vague and indefinite.

6. That it is prolix.

7. That is is vague and uncertain.

8. That there is ~~multi~~ non-joinder of proper parties.

9. That there is ~~multi~~ non-joinder of necessary parties.

10. That the Bill contains conclusions of the pleader.

11. That the Bill contains allegations in the alternative.

12. That the Bill asks improper relief.

13. That the allegations of the Bill do not justify the relief prayed for.

14. That the Bill is frivilous.

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15. That the Bill is contradictory.

16. Under that aspect of the Bill set out as Paragraph 2 thereof, wherein it is stated that this action is brought under the provisions of Chapter 3, Title 29, Code of Alabama of 1940, as amended, Respondents separately and severally demur, separately and severally, to the following paragraphs, to-wit:- Seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, for the following separate and several reasons:

(a). Vague and uncertain.

(b). Improper.

(c). Vague and indefinite.

(d). Lack Equity.

(e). Do not warrant interposition of equity.

(f). Do not warrant relief sought.

(g). COntain statements affirmatively showing other adequate remedy to complainant.

(h). Are multifarious.

(i). Affirmatively show misjoinder of causes.

(j). Contain allegations in the alternative.

(k). Are prolix.

(l). Are conclusions of the pleader.

(m). Are not in accord with the Statutes referred to.

(n). Contain matter not under the provisions of the Chapter referred to.

(o). Are opposed to the Chapter referred to.

(p). Are abhorrent to the Chapter referred to.

(q). Contain matter not proper as evidence or proof under the Chapter referred to.

(

filed 5/28/58

Attorney for Respondents

238

C. G. C.

STATE OF ALABAMA)
) IN THE CIRCUIT COURT OF BALDWIN COUNTY
BALDWIN COUNTY) ALABAMA

TO THE HONORABLE HUBERT M. HALL, JUDGE, 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA

Comes Mary Harden and shows unto your Honor as follows:

1. That on the 16th day of July, 1958 there was served upon her by the sheriff of Baldwin County, Alabama, an instrument in writing designated as a "subpoena decus tecum", a copy of which is attached hereto marked "Exhibit A", and specifically made a part hereof.

2. That she is not an officer or director ofGulf Shores Social Club, Inc., therefore is not authorized to produce records of the said Gulf Shores Social Club, Inc.

3. That the papers and documents are not properly described.

4. That she has in her possession only a very few minor records or documents pertaining to the Gulf Shores Social Club and submits that these are not in her "control".

5. That to fully obey the subpoena attached hereto and marked "Exhibit A" would violate her rights against self incrimination.

6. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in the Fifth Amendment of the Constitution of the United Stated.

7. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in the Fourteenth Amendment of the Constitution of the United States.

8. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumerated in Section 5 of Article 1 of the Constitution of the State of Alabama.

9. That to be forced to produce records and give testimony as set out would be in violation of her rights as enumer-

ated in Section 6 of Article 1 of the Constitution of the State of Alabama.

10. That the subpoena attached hereto marked "Exhibit A" is void in that it is returnable to a person not entitled to the benefits thereof.

11. That the subpoena attached hereto marked "Exhibit A" is not in aid of any cause pending in the Courts of the State of Alabama.

12. That the subpoena attached hereto marked "Exhibit A" calls for testimony which would not be admissible in a trial of a cause by the State of Alabama against Gulf Shores Social Club, Inc.

13. That the Clerk of the Circuit Court is not authorized to issue a subpoena decus tecum returnable to the Circuit Solicitor.

14. That the Clerk of the Circuit Court has no authority to require Mary Harden to testify to the Solicitor.

15. That the Circuit Solicitor is not authorized to require testimony to himself.

16. That the Circuit Solicitor is not authorized to require the production of documents to himself.

Mary Harden therefore prays that your Honor will set a day for hearing of this her plea; that a copy hereof be served upon Kenneth Cooper, Circuit Solicitor of Baldwin County, Alabama, and upon Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama; that a copy of the order fixing the time and place of hearing hereon will be served upon the said Kenneth Cooper and Alice J. Duck, and that upon a hearing hereon, your Honor will declare the subpoena vacated; that she not be required to answer or to appear; and that she not be required to furnish any records or be required to furnish or give testimony as provided in said subpoena.

Mary Harden
Petitioner

E. Hasan
Attorney for Petitioner

filed Aug 17, 1958
Alice J. Duck, Reg - 2 -

"EXHIBIT A"

SUBPOENA DECUS TECUM

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon Mary Harden, Manager, Gulf Shores Social Club, Incorporated, of Gulf Shores, Alabama, at the instance of the State of Alabama, if she should be found in your county, personally to be and appear before the Circuit Solicitor of Baldwin County, Alabama, to-wit, Hon Kenneth Cooper, to be holden at the Court House in Bay Minette, Alabama, to-wit, on the 17th day of July, 1958, and to bring with her and produce at 1:00 PM at the place aforesaid, in the Circuit Solicitor's office, the following records pertaining to the Gulf Shores Social Club, of Gulf Shores, Alabama, since its incorporation on September 23rd, 1957:

Declaration or charter of Gulf Shores Social Club, Inc.;
Constitution and By-Lays of Gulf Shores Social Club, Inc.;
List of all members of Gulf Shores Social Club, Inc.;
Membership list of Board of Directors of Gulf Shores Social Club, Inc.;
Minutes of all meetings of Gulf Shores Social Club since its incorporation;
All correspondence relating to Gulf Shores Social Club, Inc.;
All records of financial transactions, including cancelled checks, vouchers and bank statements;
Complete record of all liquors purchased since incorporation of Gulf Shores Social Club, Inc.: and
all records of employment of individuals employed by the Gulf Shores Social Club, Inc.,

and then and there testify and the truth to speak concerning the records of which they may have knowledge, or the said

C. G. C.

instruments of writing doth import of, and concerning an investigation now pending in said Court, wherein the State of Alabama is Plaintiff and the Gulf Shores Socil Club, Inc., is the Defendant. And this they shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your indorsement thereto in what manner you have executed the same.

Witness my hand this 16th day of July, 1958.

(Signed) Alice J. Duck
Clerk of Circuit Court

SUBPOENA DECUS TECUM

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon Mary Harden, Manager, Gulf Shores Social Club, Incorporated, of Gulf Shores, Alabama, at the instance of the State of Alabama, if she should be found in your county, personally to be and appear before the Circuit Solicitor of Baldwin County, Alabama, to-wit, Hon Kenneth Cooper, to be holden at the Court House in Bay Minette, Alabama, to-wit, on the 17th day of July, 1958, and to bring with her and produce at 1:00 PM at the place aforesaid, in the Circuit Solicitor's office, the following records pertaining to the Gulf Shores Social Club, of Gulf Shores, Alabama, since its incorporation on September 23rd, 1957:

Declaration or charter of Gulf Shores Social Club, Inc.;
Constitution and By-Laws of Gulf Shores Social Club, Inc.;
List of all members of Gulf Shores Social Club, Inc.;
Membership list of Board of Directors of Gulf Shores Social Club, Inc.;
Minutes of all meetings of Gulf Shores Social Club since its incorporation;
All correspondence relating to Gulf Shores Social Club, Inc.;
All records of financial transactions, including cancelled checks, vouchers and bank statements;
Complete record of all liquors purchased since incorporation of Gulf Shores Social Club, Inc.; and
all records of employment of individuals employed by the Gulf Shores Social Club, Inc.,

and then and there testify and the truth to speak concerning the records of which they may have knowledge, or the said

instruments of writing doth import of, and concerning an investigation now pending in said Court, wherein the State of Alabama is Plaintiff and the Gulf Shores Socil Club, Inc., is the Defendant. And this they shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your indorsement thereto in what manner you have executed the same.

Witness my hand this 16th day July, 1958.

Alice L. Luck

Clerk of Circuit Court

Dave and Mary Handley

Executed July 16 1957
by serving copy of within Summons and
Complaint on Subp Wm Jenn

Mary H Gedney

Taylor Wilkins Sheriff
By Charles Childress Deputy Sheriff

Notary

Sheriff claims 72 miles at
Ten Cents per mile Total $ 7.20
TAYLOR WILKINS, Sheriff
BY Childress
DEPUTY SHERIFF

IVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 1958

O ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

1. James. W. Stapleton Loxley, Ala
2. Bob Hayden, Robertsdale, Ala
3. Rex Childress Loxley, Ala
4. Walter John Sparrette, Summerdale "
5. Charlie Cooper, Robertsdale "
6. Lyle Underwood, Summerdale "
7. Mervey Northcutt, Robertsdale "

ou Are Hereby Commanded to Summon: ...well Northcutt, Rdale, Ala. ...ency Bryars, Bay Minette

to be found in your County, at the instance of the Respt

be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House

ereof, by 10:00 o'clock of the forenoon, on the 28 day of Aug, 1958, and from

ay to day and term to term of said Court until discharged by law, then and there to testify, and the truth

say, in a certain cause pending, wherein State of Ala, Plaintiff and Canal Safe & Vals, Defendant.

erein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958

Alice Jaeck Clerk.

Received in office this _____ day of

_____, 195____

SHERIFF

I have executed this writ:

Jerry Bryars 8/24/58
Bob Hardison 8/24/58
Rex Childers 8/24/58
Walter John Shannon 8/24/58
Charles Cooper 8/24/58
Dewin North 8/24/58
Marvin North 8/24/58

Lawton Wilkins
By
SHERIFF
Ellrigh Sleadham

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Canal Cafe et al

Defendant

CIVIL SUBPOENA

Issued this 26 day of

Aug, 1958

Delia Kruck
Clerk

IVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 195 8

O ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon 5. Roy Gammett, Gulf Shores, Ala. 6. Mr. Lit Cunningham " " 7. W. H. Masserole Sr. " " 8. Mayor Hall McMeans. " " 9. Louis Michael " " 10 Mr. Robert Lowery " " ~~11. Mayor Hall McMeans~~ " " E. Dunville, Gulf Shores, Ala. W. Winters " " " " Rogers (electrician) " " " " Robert Russell " " " " to be found in your County, at the instance of the Deft

o be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House hereof, by 10 o'clock of the forenoon, on the 28 day of Aug, 195 8, and from ay to day and term to term of said Court until discharged by law, then and there to testify, and the truth say, in a certain cause pending, wherein State of Ala, Plaintiff and Carol Safe et als, Defendant.

erein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 195 8.

Reese J. Heck Clerk.

Received in office this _____ day of

_____, 195____

SHERIFF

I have executed this writ:

Deg French 8-26
Lil Cunningham 8-26
W H Meeks 8-26
May McMeans 8-27
Lem Hutchins 8-26
Robert Lemon 8-27
K.E. Dunville 8-27
J W Winters 8-27
Dan Rodgers 8-27
Robt Russell 8-27

SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Canal Cafe et als

Defendant

CIVIL SUBPOENA

Issued this 26 day of

Aug, 1956

Clerk

STATE OF ALABAMA, Ex Rel

KENNETH COOPER

VS

THE PREMISES KNOWN AS

CANAL CAFE ET AL

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4337

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS:

By an order of the Judge of the Circuit Court, Baldwin County, Alabama you are directed to summon

David E. Wunsch

to appear before the Judge of the Circuit Court at the Court House in the said County on the 28th day of August, 1958, at 10:00 for a hearing in said cause.

Witness 22nd day of August, 1958.

Register in Equity.

EXECUTED BY COPY ON THE 24 DAY OF AUG 1958

Deputy Sheriff

RECEIVED IN CHAMBERS AUG 25 1958

Original 1298

RECEIVED IN OFFICE

AUG 25 1958

M. S. BUTLER, Sheriff

EXECUTED BY SERVING A
COPY OF THE WITHIN

David E. Quinn

This the 25 day of Aug 1958

M. S. BUTLER
Sheriff Montgomery County

By

Deputy Sheriff

STATE OF ALABAMA, Jr Def

MONTGOMERY COUNTY

IN

CAUSE CLAIM IN ASSUMPSIT

THE PLAINTIFF SUE

IN BEHALF OF

IN THE CIRCUIT COURT OF

MONTGOMERY COUNTY, ALABAMA

IN EQUITY NO. 1331

"COMPLAINT"

Defendant, Comes the Plaintiff, Comes at the time and place set for the hearing of the cause, and the Defendant being called, comes not, but makes default, and the Plaintiff, by his attorney, moves the court to enter a decree pro confesso against the Defendant, and the court being advised of the premises, doth find that the allegations of the bill of complaint are true, and that the Plaintiff is entitled to a decree pro confesso against the Defendant, as prayed for in said bill of complaint.

Done this the 25th day of August, 1958.

Submitted to Judge.

County

HL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 1958

ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

u Are Hereby Commanded to Summon Ralph H. Eastburn
265 Westwood Ave.,
Mobile, Ala

to be found in your County, at the instance of the Respt -

be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House ereof, by 10:00 o'clock of the forenoon, on the 28 day of Aug, 1958, and from y to day and term to term of said Court until discharged by law, then and there to testify, and the truth say, in a certain cause pending, wherein State of Ala, Plaintiff and Carol Dale Gals, Defendant.

erein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958.

Alice J. Hewett Clerk.

Received in office this 26 day of

Aug., 1958

Ray D. Bridges
SHERIFF

I have executed this writ:

28th of Aug. 1958 by leaving a copy for Ralph H. Eastburn.

Ray D. Bridges
SHERIFF

By: Harold Davis D. S.

ORIGINAL

No. 4337 Page 1184

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Carnal Cafe et als

Defendant

Equity ~~CIVIL~~ SUBPOENA

Issued this 26th day of

Aug, 1958

Clerk

STATE OF ALABAMA, Ex REL

KENNETH COOPER

VS

THE PREMISES KNOWN AS

CANAL CAFE ET AL

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4337

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS:

By an order of the Judge of the Circuit Court, Baldwin County, Alabama you are directed to summon

R. E. Lee

to appear before the Judge of the Circuit Court at the Court House in the said County on the 28th day of August, 1958, at 10:00 for a hearing in said cause.

Witness this 22nd day of August, 1958.

Register in Equity.

SUBPOENA DECUS TECUM

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON R. A. Flournoy, Chief Accountant, Alabama Alcoholic Beverage Control Board, Montgomery, Alabama,

at the instance of the State of Alabama, If he should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, to wit: on 28 Aug, ~~the day of~~, 19 58 at 10:00 A.M., and to bring with him and produce at the time and place aforesaid, to be used as evidence (here describe it).

1 - Records to prove the issuance of Club Liquor License No. 119, issued to the Gulf Shores Social Club, Polk Koonce, Jr, President, on Sept 30, 1957, for fiscal year 1957-58.

2 - One photostatic copy of the list of members as furnished with the application for liquor license for Gulf Shores Social Club, above referred to.

3 - List of all liquor purchased by or in the name of the Gulf Shores Social Club, License No. 119, from October 1, 1957 through July 31, 1958, such list to include:
Dates of purchases;
Quantities;
Brand,
Sizes,
Amount net paid;
Store No from which purchase made; and
Authorized representative signing therefor.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein State of Alabama ex rel Kenneth Cooper Plaintiff, and The Premises Known As Canal Cafe et al Defendant.s.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this day of August 19 58.

Alice J. Duck
Alice J. Duck Clerk

1297

RECEIVED IN OFFICE

AUG 25 1958

M. S. BUTLER, Sheriff

EXECUTED BY SERVING A COPY OF THE WITHIN

R. A. Flournoy

This the 25 day of Aug 1958

M. S. BUTLER
Sheriff Montgomery County

By J. O. Mathis
Deputy Sheriff

The Sheriff claims _____ miles at 10c per mile for a total of $ _____

M. S. Butler, Sheriff
Montgomery County, Ala.

No. 4332

THE STATE OF ALABAMA
Baldwin County

_____

_____ Plaintiff

VS. SUBPOENA DECUS TECUM

_____

_____ Defendant

CIRCUIT COURT

WITNESSES:

A. B. C. Board.

SET FOR TRIAL

_____ day of _____ 19____

TIMES, BAY MINETTE

SUBPOENA DECUS TECUM

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON H.L. KING, Cashier, State Bank of Elberta, Elberta, Alabama,

at the instance of the State of Alabama, If he should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, to wit: on Thursday 28 ~~xx~~ day of August, 1958 at 10:00, and to bring with him and produce at the time and place aforesaid, to be used as evidence (here describe it).

All bank statements pertaining to Gulf Shores Social Club, Incorporated, since its incorporation in September, 1957.

Signature card showing who is authorized to write checks for the said Gulf Shores Social Club, Inc., and who has been authorized to write checks against the said account since opening of the account.

Any and all other records pertaining to the said Gulf Shores Social Club, Inc., of Gulf Shores, Ala.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein State of Alabama, ex rel Kenneth Cooper Plaintiff, and The Premises Known as Canal Cafe, et al Defendants.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this ..... day of August 19 58.

Alice J. Duck

Alice J. Duck Clerk

elved 22 day of Aug 1958
l on 25 day of Aug 1958
rved a copy of the within Subp. Decus Tecum
N. L. King

service on

TAYLOR WILKINS, Sheriff
By Orlando Richardson D. S.

Sheriff claims 84 miles at
Ten Cents per mile Total $ 8.40
TAYLOR WILKINS, Sheriff
BY
DEPUTY SHERIFF

No. 4337

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

day of 19

TIMES, BAY MINETTE

STATE OF ALABAMA, Ex Rel

KENNETH COOPER

VS

THE PREMISES KNOWN AS

CANAL CAFE ET AL

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4337

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS:

By an order of the Judge of the Circuit Court, Baldwin County, Alabama you are directed to summon

1. Polk Roonce Jr
2. Gladwin Walker
3. Kitty Martin
4. Howard E. Dunn
5. W. P. Prickett Jr
6. Nadine Baldwin
7. R. E. Lee
8. Dwight Steele
9. Roy Walker
10. Robin Walker
11. Mary Harden
12. Rufus Howard Harden

to appear before the Judge of the Circuit Court at the Court House in the said County on the 28th day of August, 1958, at 10:00 for a hearing in said cause.

Witness 22nd day of August, 1958.

Irene J. Wright
Register in Equity.

No. 4337

STATE OF ALABAMA, Ex Rel

KENNETH COOPER

VS

THE PREMISES KNOWN AS

CANAL CAFE ET AL

Received 22 day of Aug 1958
and on 23 day of Aug 1958
I served a copy of the within Same
on Wright Stark; Nada Baldwin;
Rufus Hammond Hansen;
By service on

TAYLOR WILKINS, Sheriff
By Carlisle Childress D. S.

Received 22 day of Aug 1958
and on 23 day of Aug 1958
I served a copy of the within Same
on Polk Rooper;
Roy Walker; Geadyn Walker;
By service on

TAYLOR WILKINS, Sheriff
By Carlisle Childress D. S.

Received 22 day of Aug 1958
and on 23 day of Aug 1958
I served a copy of the within Same
on Rubin Walker; Mary
Harden; W.P. Pickett
By service on

TAYLOR WILKINS, Sheriff
By Carlisle Childress D. S.

Returned 25 day of Aug 1958
Not found in my county after diligent search and inquiry.
R. E. Lee
Taylor Wilkins, Sheriff
By Childress
Deputy Sheriff

Sheriff claims 960 miles at
Ten Cents per mile Total $ 96.00
TAYLOR WILKINS, Sheriff
BY Childress
DEPUTY SHERIFF

Quality

CIVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 1958

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon
1. J. R. Coleman, Foley, Ala.
2. Lt. John Ryan, NAAS, Barrin Field, Foley
3. Lt. Roy Lyle, " " " "
4. John R. Rodgers Jr. Foley Ala
5. Mr. & Mrs. Roy Rush, Evans College, Gulf Shores
6. Mr. & Mrs. John Heise, Foley

NF

to be found in your County, at the instance of the Recpt

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 10:00 o'clock of the forenoon, on the 28 day of Aug, 1958, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein State of Ala, Plaintiff and Carol Safe Sales, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958.

Clerk.

Received in office this _____ day of

_____, 195___

SHERIFF

I have executed this writ:

[illegible] Coleman 8-27
[illegible] Rogers 8-27
[illegible] Rush 8-27
John Hesse 8-27
Ray Lyles 8-27

[illegible] Wilkins
SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala.

Plaintiff

Vs.

Carnal Cafe et al.

Defendant

CIVIL SUBPOENA

Issued this 28 day of

Aug, 1958

Alice J. Newark
Clerk

Equity

~~TRIAL~~ SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 1958

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon Mr. W. L. Boyrsean, Foley, Ala. Mr. W. C. Holmes " " Mrs. Erich Mueller " " " " Ben Disdale Foley, Ala James Kellcher " " Barnfield (Mrs) John Breightharp " " Lt. George Veith " " " " " Mr. & Mrs. David Sholden " " Bill Boller " " W. O. Stuart " "

if to be found in your County, at the instance of the Rept

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 10 o'clock of the forenoon, on the 28 day of Aug, 1958, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein State of Ala, Plaintiff and Canal Safe Etals, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958.

Olive J. Hauck Clerk.

Received in office this _____ day of

_____, 195__

SHERIFF

I have executed this writ:

W L Ramsey 8-27
W Holmes 8-27
W Golden 8-27
Ben Tindale 8-27
Mr Muller 8-27
James Kelleher 8-27
Bill Ballard 8-27

SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Canal Cafe et al

Defendant

CIVIL SUBPOENA

Issued this 26 day of

Aug, 1958

Clerk

Criminal

~~CIVIL~~ SUBPOENA — ORIGINAL — In case witness shall wish to change for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 195__

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon Emmett Burlledge - Summerdale, Ala. George Wenzel, Bonnecrow " Clyde Foote, Gulfshores to be found in your County, at the instance of the

4. Curtis Ireland, Gulf Shores Ala.
5. Grady Thames, Robertsdale "
6. Harry Bill Foley "
7. Mr. & Mrs. Percy Thames "
8. Bill Mitchell, Bay Minette
9. Edward R. Dubuisson, Gulf Shores
10. Burl Hedge, Foley, Ala.

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 10:00 o'clock of the forenoon, on the 28th day of Aug, 1958, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein State of Ala, Plaintiff and Donald Cafe et als Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958.

Arthur Heck Clerk.

Received in office this _____ day of

_____, 195____

SHERIFF

I have executed this writ:

Bill Mitchell 8/26/58
Grady Thomas 8/27/58
Mrs Penny Thomas 8/27/58
Mrs Penny Thomas 8/27/58
Emmett Burkhalter 8/27/58
Geo Wenzel 8/26
Berlin Ireland 8-27
Lloyd Fowler 8-27

SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Canal Cafe et al

Defendant

Equity CIVIL SUBPOENA

Issued this 26 day of

Aug, 1958

Alice J. Renck

Clerk

IVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 1956

O ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

1. Mr. & Mrs. Snyder (Sent) Ft Morgan
2. Mrs. Edna Anderson " " "
3. Luke Allen Orange Beach "
4. Bob McCluskey Gulf Shores
5. Bob Walker Orange Beach "
6. R. L. Brown Magnolia Springs
7. Kirk Branyon, Constable Gulf Shores

ou Are Hereby Commanded to Summon

to be found in your County, at the instance of the Sheriff

be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House

hereof, by 10:00 o'clock of the forenoon, on the 28 day of Aug, 1956, and from

ay to day and term to term of said Court until discharged by law, then and there to testify, and the truth

say, in a certain cause pending, wherein State of Ala., Plaintiff and Carol Cafe et al, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1956.

Alice J. Heck Clerk.

Received in office this _____ day of

_____, 195____

SHERIFF

I have executed this writ:

Mrs Mrs Snyder 8-27
Edna Anderson 8-27
Lovick Allen 8-27
Bob McCleskey 8-27
R.L. Brown 8-27
Rick Brunson 8-27

SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala.

Plaintiff

Vs.

Canal Cafe, et als

Defendant

CIVIL SUBPOENA

Issued this 26 day of

Aug, 1958

Clerk

SUBPOENA DECUS TECUM

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John W. Winter, Local Advertising Manager, Mobile Press Register, Mobile, Alabama

at the instance of the State of Alabama, If he should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, to wit: on Thursday, 28, the day of August, 19 58 at 10:00 A.M., and to bring with him and produce at the time and place aforesaid, to be used as evidence (here describe it).

All records of advertising used in the Mobile Press and Mobile Press Register since June 1, 1958, to date, as used by the Gulf Shores Social Club and the Canal Cafe, located at Gulf Shores, Alabama. Such records to include
Dates of all advertisements;
Costs of all such advertisements;
Dates of payments of such advertisement;
Name of person securing the advertisements;
Name of person paying for such advertisements; and
One copy of each different type of advertisement.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein State of Alabama, ex rel Keneth Cooper Plaintiff, and The Premises Known As Canal Cafe, et al Defendant.s.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this day of August 19 58.

Alice J. Duck
Alice J. Duck Clerk

8/27 166

No. 4337 Co. Doc. 177

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

26¢

EXECUTED

This 26 day of Aug., 1958
by serving a copy of the within on
John W. Winter
RAY D. BRIDGES, Sheriff
By H B Sanders D. S.

SET FOR TRIAL

.....day of..... 19.....

TIMES, BAY MINETTE

SUBPOENA DECUS TECUM

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Harden, Manager, Gulf Shores Social Club. Gulf Shores, Alabama,

at the instance of the State of Alabama, If she should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, to wit: on Thursday, 28, the day of August, 1958 at 10:00, and to bring with her and produce at the time and place aforesaid, to be used as evidence (here describe it).

1 - One copy of Declaration or Charter of Gulf Shores Social Club, Inc.;
2 - One copy of the Constitution AND By-Laws of Gulf Shores Social Club, Inc.;
3 - One copy of the list of all members of the Gulf Shores Social Club, Inc.;
4 - One copy of the present membership list of the Board of Directors of the Gulf Shores Social Club, Inc.;
5.- One copy of the minutes of meetings of all meetings of the Gulf Shores Social Club, Inc, since its incorporation;
6 - All correspondence relating to the Gulf Shores Social Club, Inc.;
7 - All financial records, including cancelled checks, vouchers and bank statements of the Gulf Shores Social Club, Inc., since its incorporation;
8 - A record of all profits made by the Gulf Shores Social Club, Inc., since its incorporation;
9 - Complete record of all liquors purchased since incoporation by the Gulf Shores Social Club., Inc., such records to show
    Dates of purchases;
    Quantities purchased by dates;
    Brands purchased on each date;
    Sizes of bottles purchased;
    Amount net paid by dates of purchases;
    Stoe numberfrom which each purchase made; and
    Authorized representative signing for each purchase.
10 - List of names of all individuals employed by Gulf Shores Social Club, Inc. since its incorporation, such record to include
    Dates of employment of each of said named employees;
    All wages paid such employees;
    All taxes, social security and other withholdings made against each such employees.
11 - Any and all contracts existing in which the Gulf Shores Social Club, Inc. is a party thereto.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein ~~State of Alabama, ex rel Kenneth Cooper~~ Plaintiff, and The Premises Known As Canal Cafe, et al Defendants.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this day of August 19 58

Alice J. Duck
Alice J. Duck Clerk

Received 22 day of Aug 1958
and on 23 day of Aug 1958
I served a copy of the within Subp. Duces Tecum
on Mary Harden

By service on

TAYLOR WILKINS, Sheriff
By Carlisle Duncan D.S.
Gulf Shores

Sheriff claims 100 miles at
Ten Cents per mile Total $ 10.00
TAYLOR WILKINS, Sheriff
BY Carlisle Duncan
DEPUTY SHERIFF

No. 4337

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

day of 19

TIMES, BAY MINETTE

SUBPOENA DECUS TECUM

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Gladwin Walker, Vice-President, Gulf Shores Social Club Inc., Orange Beach, Alabama

at the instance of the State of Alabama, If he should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, to wit: on Thursday 28 day of August, 1958 at 10:00 AM, and to bring with him and produce at the time and place aforesaid, to be used as evidence (here describe it).

1 - One copy of Declaration or Charter of Gulf Shores Social Club Inc.;
2 - One copy of the Constitution and By-Laws of Gulf Shores Social Club Inc.;
3 - One copy of list of all members of Gulf Shores Social Club Inc.;
4 - One copy of the present membership list of the Board of Directors of the Gulf Shores Social Club, Inc.;
5 - The minutes of meetings of all meetings of the Gulf Shores Social Club Inc., since its incorporation;
6 - All correspondence relating to Gulf Shores Social Club, Inc.;
7 - All financial records, including cancelled checks, vouchers, and bank statements of Gulf Shores Social Club, Inc.;
8 - A record of all profits made by the Gulf Shores Social Club, Inc., since its incorporation;
9 - Complete record of all liquors purchased since incorporation by the Gulf Shores Social Club, Inc, such records to show:
  Dates of purchases;
  Quantities purchased, by dates;
  Brands purchased on each date;
  Sizes of bottles purchased;
  Amount net paid by dates of purchases;
  Store number from which each purchase made; and
  authorized representative signing for each purchase.
10 - List of names of all individuals employed by Gulf Shores Social Club, Inc, since its incorporation, such records to include
  Dates of employment of each of said named employees;
  All wages paid such employees;
  all social security, withholding and other taxes paid or withheld against each of such employees.
11 - Any and all contracts existing in which the Gulf Shores Social Club, Inc. is a party thereto.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein State of Alabama ex rel Kenneth Cooper Plaintiff, and The Premises Known As Canal Cafe et al Defendants.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this ..... day of August 1958.

Alice J. Duck
Alice J. Duck Clerk

ved 22 day of Aug 1958

on 25 day of Aug 1958

ved a copy of the within Ruby, Dave & Sam Baldwin Walker, Vice-Pres Gulf Shores Social Club

ervice on

TAYLOR WILKINS, Sheriff

By C. L. Williams D. S.

Orange Beach

Sheriff claims 120 miles at Ten Cents per mile Total $ 12.00

TAYLOR WILKINS, Sheriff

BY C. Williams DEPUTY SHERIFF

No. 4337

THE STATE OF ALABAMA
Baldwin County

Plaintiff

VS. SUBPOENA DECUS TECUM

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

day of 19

TIMES, BAY MINETTE

SUBPOENA DECUS TECUM

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA,-GREETING:

You are hereby commanded to summon Polk Koonce Jr., and Kitty Martin, President and Secretary-Treasurer, respectively, of the Gulf Shores Social Club, Incorporated, at the instance of the State of Alabama, if they should be found in your County, personally to be and appear before the Circuit Solicitor of Baldwin County, Alabama, to-wit, Hon Kenneth Cooper, to be holden at the Court House in Bay Minette, to wit: on the 14th day of July, 1958, and to bring with them and produce at the time and place aforesaid, to be used as evidence, the following:

All records, of whatsoever nature, of the Gulf Shores Social Club, Incorporated, of Gulf Shores, Alabama, since its incorporation on 23 September, 1957, said records to include

Declaration, or charter, of Gulf Shores Social Club, Incorporated;

Constitution and By-Laws of Gulf Shores Social Club, Incorporated;

List of all members of Gulf Shores Social Club, Inc.;

List of members composing the Board of Directors of the said Gulf Shores Social Club, Inc.;

Minutes of all meetings of said Gulf Shores Social Club, Inc., both regular and special, since its incorporation;

All correspondence relating to the Gulf Shores Social Club, Inc.;

Records of all financial transactions made by the Gulf Shores Social Club, Inc.,including all vouchers and all cancelled checks;

Complete record of all liquors purchased since incorporation of the Gulf Shores Social Club, including beer purchases;

All records of employment of individuals employed by the Gulf Shores Social Club, Inc.,

and then and there testify and the truth to speak concerning all and singular those things of which they may have knowledge, or the said instruments of writing doth import of, and concerning a certain investigation now pending and undetermined in said Court, wherein the State of Alabama is Plaintiff and the Gulf Shores Social Club, Incorporated, is the Defendant. And this they shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your indorsement thereon in what manner you have executed the same.

Witness my hand this 14th day of July, 1958.

Clerk, Circuit Court

Received _____ day of _____ 19__
and on 14 day of July 1958
I served a copy of the within Subp
on Dewey Stevens

By service on Polk Koonce

TAYLOR WILKINS, Sheriff
By J. D. Hobson D. S.
Gulf Shores

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Complainant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
	)	IN EQUITY
Vs.	)	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, ET AL. Respondents	)	CASE NO. 4337

PLEA

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

Comes one of the Respondents, W.P. PICKETT, JR. and shows unto Your Honor:

1. That said Bill of Complaint filed by Honorable Kenneth Cooper, Solicitor of the Twenty-Eighth Judicial Circuit, State of Alabama, Baldwin County, makes it appear that W. P. Pickett, Jr. has taken an active part in promoting, managing and operating the Gulf Shores Social Club, all of which is untrue.

2. That W.P. Pickett, Jr. has never promoted, operated or received any profit from Gulf Shores Social Club and has no personal or financial interest in maintaining or operating this club.

3. That W.P. Pickett, Jr. at no time has been an officer or taken active part in the Gulf Shores Social Club and he does not represent any members of said club.

4. That although W.P. Pickett, Jr. paid $1.00 to receive a membership card, more than a thousand other members did the same thing.

5. That W.P. Pickett, Jr. although an innocent party, has had wide adverse publicity.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY CASE NO.4337

Premises considered, your Petitioner, W. P. Pickett, Jr. respectfully requests your Honor to strike his name from the Bill of Complaint, as party respondent; that the Honorable Kenneth Cooper as Solicitor of the Twenty-Eighth Judicial Circuit, State of Alabama, Baldwin County, be directed to name a substantial number of other members of Gulf Shores Social Club as respondents which will show that W.P. Pickett, Jr. is one member among more than one thousand members.

And if your respondent is mistaken in the relief for which he has prayed, that he prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted

W. P. Pickett Jr.

W. P. PICKETT, JR.

Forest A. Christian

FOREST A. CHRISTIAN-His Solicitor
Foley, Alabama

Subscribed and sworn to before me
this 29th day of July, 1958.

Forest A. Christian

Notary Public
Baldwin County, Alabama

Filed July 30, 1958
Alice J. Hurst, Reg.

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Complainant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
	)	IN EQUITY
VS.	)	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, ET AL. Respondents	)	CASE NO. 4337

PLEA

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

Comes one of the Respondents, VADA BALDWIN, and shows unto Your Honor:

1. That Bill of Complaint filed by Honorable Kenneth Cooper, Solicitor of the Twenty-Eighth Judicial Circuit, State of Alabama, Baldwin County, makes it appear that VADA BALDWIN has taken an active part in promoting, managing and operating the Gulf Shores Social Club, all of which is untrue.

2. That VADA BALDWIN has never promoted, operated or received any profit from Gulf Shores Social Club and has no personal or financial interest in maintaining or operating this club.

3. That VADA BALDWIN at no time has been an officer or taken active part in the Gulf Shores Social Club and she does not represent any members of said club.

4. That although VADA BALDWIN paid $1.00 to receive a membership card, more than a thousand other members did the same thing.

5. That VADA BALDWIN although an innocent party, has had wide adverse publicity.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY CASE NO. 4337

Premises considered, your Petitioner, Vada Baldwin respectfully requests your Honor to strike her name from the Bill of Complaint, as party respondent; that the Honorable Kenneth Cooper as Solicitor of the Twenty-Eighth Judicial Circuit, State of Alabama, Baldwin County, be directed to name a substantial number of other members of Gulf Shores Social Club as respondents which will show that Vada Baldwin is one member among more than one thousand members.

And if your respondent is mistaken in the relief for which she has prayed, that she prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted,

Vada Baldwin
VADA BALDWIN

Forest A. Christian
FOREST A. CHRISTIAN- Her Solicitor
Foley, Alabama

Subscribed and sworn to
before me this 1st day
of August, 1958.

Forest A. Christian
Notary Public
Baldwin County, Alabama

filed Aug. 4, 1958
Alice J. Busk Reg.

STATE OF ALABAMA EX REL
KENNETH COOPER
VS
THE PREMISES KNOWN AS
CANAL CAFE ET AL

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4337

TO ANY SHERRIFF OF THE STATE OF ALABAMA -- GREETINGS:

By an order of the Judge of the Circuit Court Baldwin County, Alabama you are directed to summon

Kitty

to appear before the Judge of the Circuit Court at the Court House in the said County on the 28th day of August, 1958, at 10:00 for a hearing in said cause.

Witness this 22nd day of August, 1958.

Register in Equity

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

STATE OF ALABAMA, ON THE RELATION
OF KENNETH COOPER, SOLICITOR OF
THE TWENTY-EIGHTH JUDICIAL CIRCUIT,
BALDWIN COUNTY, ALABAMA,

Complainant,

Vs.

THE PREMISES KNOWN AS CANAL CAFE,
ET AL.,

Respondents

Upon consideration of the within bill filed on July 23, 1958, and on motion of the Complainant, it is

ORDERED, ADJUDGED AND DECREED that this cause be set for hearing upon the motion for a preliminary injunction on the 28 day of August, 1958, at 10 AM.

Let due notice to the Respondents be issued.

Done this 21 day of August, 1958.

Hubert M Hare

Circuit Judge

TWENTY-EIGHTH JUDICIAL CIRCUIT OF ALABAMA
HUBERT M. HALL, JUDGE
BAY MINETTE, ALABAMA

KENNETH COOPER
CIRCUIT SOLICITOR

TELEPHONE 3281

LOUISE DUSENBURY
REPORTER

October 13, 1958

Hon. Kenneth Cooper,
Circuit Solicitor,
Bay Minette, Alabama.

IN ACCOUNT WITH:

Louise Dusenbury,
Court Reporter,
Bay Minette, Alabama.

To original and three copies, transcript
State of Alabama, vs. Gulf Shores Social
Club and Howard Harden and Mary Harden,
et al----------$35.00

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA, Complainant. VS. THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, POLK KOONCE, JR., GLADWIN WALKER AND KITTY MARTIN, PRESIDENT, VICE-PRESIDENT AND SECRETARY-TREASURER, RESPECTIVELY, OF GULF SHORES SOCIAL CLUB, DAVID E. DUNN, W. P. PICKETT, JR., VADA BALDWIN, R. E. LEE, DWIGHT STEELE, ROY WALKER AND RUBIN WALKER, MEMBERS OF SAID GULF SHORES SOCIAL CLUB, MARY HARDEN, MANAGER OF GULF SHORES SOCIAL CLUB AND OWNER AND OPERATOR OF CANAL CAFE, AND RUFUS HOWARD HARDEN, Respondents.	IN THE CIRCUIT COURT OF BALDWIN OOUNTY, ALABAMA. IN EQUITY. CASE NO. 4337

D E C R E E

This cause coming on to be heard was submitted for a temporary injunction by the Complainant against the Respondents, upon the original petition, the pleadings and the testimony taken ore tenus, and the Court, after considering the pleadings and hearing the testimony of all of the witnesses is of the opinion and finds that the Complainant is not entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Petition of the Complainant praying for a temporary restraining order against the Respondents be, and the same is hereby denied.

Dated at Bay Minette, Alabama, this 29th day of August, 1958.

Hubert M Hale
Judge, 28th Judicial Circuit
of Alabama

Petit Jury

~~Civil~~ SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 4337 Aug TERM, 195 8

O ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

5. Walter M. Crook, Fairhope
6. Ray Pearce, Bon Secour
7. Mr. & Mrs. Cliff Watts, Orange Beach

You Are Hereby Commanded to Summon

Mrs. Cecil Blackwell, Bon Secour, c/o Lovik Allen, Bon Secour
Mrs. Johnnie Novak, Silverhill
Walter Allen, Bon Secour
B. B. Hoolen, Fairhope

to be found in your County, at the instance of the State Respt

o be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House hereof, by 10:00 o'clock of the forenoon, on the 28 day of Aug, 1958, and from ay to day and term to term of said Court until discharged by law, then and there to testify, and the truth say, in a certain cause pending, wherein State of Ala, Plaintiff and Carnal Cafe, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 26 day of Aug, 1958.

Olivia J. Crook Clerk.

Received in office this _____ day of

_____, 195____

SHERIFF

I have executed this writ:

Mr + Mrs Lewis Blackmon 8-26

James Allen 8-27

Ray Pearce 8-27

Mrs Ralph Walter 8-27

_____ SHERIFF

ORIGINAL

No. 4337 Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

State of Ala

Plaintiff

Vs.

Carol Cafe et als

Defendant

Equity ~~CIVIL~~ SUBPOENA

Issued this 26 day of

May, 1958

Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4337

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon THE PREMISES KNOWN AS CANAL CAFE. LOCATED GULF SHORES, ALABAMA,
AT GULF SHORES SOCIAL CLUB. A CORPORATION. POLK KOONCE. JR. ET ALS

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 THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION. POLK KOONCE. JR. ET ALS, Defendant

by STATE OF ALABAMA. ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY. ALABAMA., Plaintiff

Witness my hand this 23 day of July 1958

226

[illegible], Clerk

No. 4337 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

STATE OF ALABAMA, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA

Plaintiffs

vs.

THE PREMISES KNOWN AS CANAL CAFE LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION ET ALS

Defendants

Summons and Complaint

Filed July 23, 1958 19

Alice J. Duck, Clerk 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, ON THE RELATION OF KENNETH COOPER, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT, BALDWIN COUNTY, ALABAMA,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
Complainant,	)	IN EQUITY
Vs.	)	
THE PREMISES KNOWN AS CANAL CAFE, LOCATED AT GULF SHORES, ALABAMA, GULF SHORES SOCIAL CLUB, A CORPORATION, POLK KOONCE, JR., GLADWIN WALKER AND KITTY MARTIN, PRESIDENT, VICE-PRESIDENT AND SECRETARY-TREASURER, RESPECTIVELY, OF GULF SHORES SOCIAL CLUB, DAVID E. DUNN, W.P. PICKETT, JR., VADA BALDWIN, R. E. LEE, DWIGHT STEELE, ROY WALKER AND RUBIN WALKER, MEMBERS OF SAID GULF SHORES SOCIAL CLUB, MARY HARDEN, MANAGER OF GULF SHORES SOCIAL CLUB AND OWNER AND OPERATOR OF CANAL CAFE, AND RUFUS HOWARD HARDEN,	)	CASE NO. 4337
Respondents.	)	

BILL OF COMPLAINT

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

Come the Complainant in above styled cause and respectfully represents and shows unto Your Honor as follows:

1. That the relator, Kenneth Cooper, is the duly elected Solicitor of the twenty-eighth Judicial Circuit, State of Alabama, Baldwin County, and is charged with the duty of prosecuting and defending any civil or equity action in this Honorable Court in the prosecution or defense of which the State of Alabama is interested.

2. That the relator, Kenneth Cooper, is bringing this action under the provisions of Chapter 3, Title 29, Code of Alabama, 1940, as amended.

3. That the Respondent, Canal Cafe is a building located on the west side of Alabama Highway No. 59, and approximately three hundred feet south of the intersection of the intercoastal Canal and Ala Highway # 59, at Gulf Shores, Ala.

4. That the Respondent, Gulf Shores Social Club, is a non-profit corporation, incorporated in Baldwin County, Alabama, under the provisions of Title 10, Chapter 10, Code of Alabama, 1940, as amended, and that the purpose of said Gulf Shores Social Club isthe literary advancement, the social advancement and the promotion of comradship and Americanism, character building and recreation of its members; and that the membership of the said corporation is limited exclusively to persons of good reputation and who are over 21 years of age; and that the clubhouse of said Gulf Shores Social Club is located at Gulf Shoes, Alabama, known as Canal Cafe.

5. That the Respondent Polk Koonce, Jr., is the President of the Gulf Shores Social Club according to the record on incorporation on file in the Office of Judge of Probate, Bay Minette, Alabama, and resides at Gulf shores, Alabama; that the Respondent Gladwin Walker is the Vice-President of the said Gulf Shores Social Club, and resides at Orange Beach, Alabama; that the Respondent Kitty Martin is the Secretary-Treasurer of the said Gulf Shores Social Club, and resides at 678 N. Turner Rd., Prichard, Alabama; that the Respondent David E. Dunn is a member of the said Gulf Shores Social Club and resides at Montgomery, Alabama; that the Respondents W.P. Pickett, Jr., Vada Baldwin, R.E. Lee, and Dwight Steele are members of the said Gulf Shores Social Club and reside at Gulf Shores, Alabama; that the Respondents Roy Walker and Rubin Walker are members of the said Gulf Shores Social Club and reside at Orange Beach, Alabama.

6. That the Respondent Mary Harden is the Manager of the Gulf Shores Social Club and also the owner and/or operator of the Canal Cafe, and that she resides at Gulf Shores, Alabama; and that the Respondent Rufus Howard Harden is a member of the Gulf Shoes Social Club and he resides at Gulf Shores, Alabama, and he, in practice, operates the Canal Cafe located at Gulf Shoes, Alabama.

7. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents permitted the Canal Cafe, located at Gulf Shores, Alabama, to be used for the unlawful manufacture, sale, furnishing, distilling, rectifying, brewing or keeping of liquors or beverages that are prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State.

8. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit, the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a house, shop or place where prohibited liquors and beverages were sold, bartered, exchanged or otherwise disposed of to be drank on or near the premises of the Canal Cafe; or that the said Respondents did maintain the said Canal Cafe where prohibited liquors, liquids or beverages were kept for the purpose of sale or other disposition in violation of the Laws of Alabama.

9. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents operated the Canal Cafe at Gulf Shores, Ala., as a place of resort where prohibited liquors or beverages were permitted to be consumed, or the said Respondents did operate the Canal Cafe or a portion of the Canal Cafe as a place of resort where persons were permitted to resort for the purpose of drinking prohibited liquors or beverages on or about the premises of the said Canal Cafe.

10. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept or maintained, or permitted to be kept or maintained, the Canal Cafe, at Gulf Shores, Ala., as an unlawful drinking place in violation of the laws of the State of Alabama.

11. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents kept, operated, maintained, or permitted to be kept, operated or maintained, the Canal Cafe or a portion of the premises of the Canal Cafe, located at Gulf Shores, Alabama, as a restaurant, hotel, motel, or public eating place and or public dancing place where prohibited liquors or beverages were sold or served for beverage purposes.

12. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did permit their agents, servants or employees to maintain an unlawful drinking place, to-wit, Canal Cafe, located at Gulf Shores, Alabama,; or the said agents, servants or employees did sell, serve or other wise dispose of prohibited liquors or beverages on the premises of the Canal Cafe; or the said agents, servants or employees did permit persons to resort to the premises or building of the Canal Cafe at Gulf Shores, Alabama, to drink liquors or beverages in violation of the laws of the State of Ala.

13. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents did advertise in the Mobile Press and the Mobile Press Register, both daily newspapers published in Mobile, Alabama, with wide circulation throughout Baldwin County, Alabama, and other South Alabama Counties

as follows:

" THIS YEAR ON
YOUR VACATION
TAKE ADVANTAGE
OF THE
GULF SHORES SOCIAL CLUB
Located at the Canal Cafe
GULF SHORES, ALABAMA
Open 24 hours every day.....never closes
BAND NIGHTLY FOR THE SUMMER!
Members and Their Guests Welcomed
Membership card $1 Year " and

" THIS YEAR ON
YOUR VACATION,
TAKE ADVANTAGE
OF THE
CANAL CAFE
AT INTRA-COASTAL CANAL
GULF SHORES, ALA
"Where Friends Meet"
Open 24 hours every day...never closes
BAND NIGHTLY FOR THE SUMMER . "

and in both types of advertisements in said papers there appeared in the upper right-hand corner of said advertisements the picture of a cocktail glass and two or more dancing couples, which said advertising constitutes a violation of the Alabama Beverage Control law and the Rules and Regulations promuglated by the Alabama Alcoholic Beverage Control Board in that they advertise liquors or beverages sold, served or otherwise disposed of at the Canal Cafe.

14. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Mary Harden, acting as manager of the Gulf Shores Social Club and owner and operator of the Canal Cafe, and the Respondent Rufus Howard Harden, did fraudulently and

unlawfully serve, give away or otherwise dispose of liquors or beverages on the premises or within the building of the Canal Cafe.

15. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondents Mary Harden and Rufus Howard Harden did unlawfully, illegally and fraudulently sell, furnish or keep liquors or beverages that are prohibited by the laws of the State of Alabama to be sold or otherwise disposed of in the Canal Cafe at Gulf Shores, Alabama, in that the said Respondents used, for their personal benefit and gain the liquor license issued for the exclusive use of the Gulf Shores Social Club and its members.

16. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Gulf Shores Social Club has violated the terms of its Constitution by taking in one or more persons as members whose reputation is not good.

17. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Gulf Shores Social Club failed to operate in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed to register in the Office of Judge of Probate of Baldwin County, Ala., the name and address of its registered agent or agents as required by law.

18. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit the Respondent Gulf Shores Social Club has failed to maintain the books and records in accordance with Chapter 10, Title 10, Code of Alabama, 1940, as amended, in that it has failed or refused to maintain correct and complete
222 books and records of accounts, minutes of proceedings, of its members, and the record of the names and addresses

of its members entitled to vote; and further, that the Gulf Shores Social Club has failed, refused or otherwise refrained to furnish to your Relator, Kenneth Cooper, the said records, although the appropriate demand has been made as required by law.

19. That the Complainant is informed and believes, and upon such information and belief alleges that within six months prior to the commencement of this suit that all profits received from the sale, serving or furnishing of liquors or beverages to members and their guests of the Gulf Shores Social Club, and all other consumers of liquors on the premises of the Canal Cafe, have been for the benefit and control of the Respondents Mary Harden and Rufus Howard Harden, and not in accordance with the Constitution and By-Laws of the Gulf Shores Social Club.

PRAYER FOR PROCESS:

Wherefore the Premises Considered, the Complainant prays that appropriate process issue out of this Honorable Court requiring the Respondents to plead, answer or demur to this Bill of Complaint within the time required by law, and failing therein, that a decree pro confesso be taken against them as to all things confessed.

PRAYER FOR RELIEF:

FOR TEMPORARY RESTRAINING ORDER: Your Complainant further prays that Your Honor will issue a temporary restraining order restraining the Respondents from selling, furnishing, storing, keeping or otherwise disposing of liquors or beverages on the premises known as the Canal Cafe, or at any other place in Baldwin County, Alabama, operated by the Gulf Shores Social Club until the decision of this Honorable Court granting or refusing the perpetual injunction hereinafter applied for.

FOR WRIT OF SEIZURE: That Your Honor forthwith issue a writ of seizure and as many other writs as may be necessary authorizing the Sheriff of Baldwin County,

or his Deputy or Deputies to seize any and all liquors and alcoholic beverages, glasses of all kinds used in serving of alcoholic drinks, mixing containers, movable bars, stocks, measuring containers, trays, and any and all other items used in serving such liquors and/or alcoholic beverages used in keeping the Canal Cafe as a liquor nuisance.

FOR ORDER TO IMMEDIATELY PADLOCK THE CANAL CAFE: Your Complainant further prays that Your Honor will immediately issue an order, directed to the Sheriff of Baldwin County, Alabama, that the Canal Cafe and/or any part of the premises of the Canal Cafe used by the Gulf Shores Social Club, or members of the said Gulf Shores Social Club, be padlocked as a necessary remedy to enforcethe laws of the State of Alabama,

FOR TEMPORARY INJUNCTION: That Your Honor issue a temporary restraining order or temporary injunction, enjoining the Respondents, and any and all persons, firms, or corporations from maintaining the Canal Cafe, and/or that portion of the premises of said Canal Cafe used by the Gulf Shores Social Club and its members, as a liquor nuisance; and enjoining and restraining the Respondents and any and all persons, firms and corporations from resorting to said premises for the purpose of selling, serving, or furnishing or consuming prohibited liquors, or otherwise causing a liquor nuisance.

TO SET A DAY FOR HEARING: That Your Honor will set a day for the hearing of said application for a temporary injunction and cause notice of said hearing to be served on the Respondents named herein.

FOR ORDER CLOSING CANAL CAFE AS A LIQUOR NUISANCE: That upon the hearing of the temporary injunction herein applied for, Your Honor will declare the premises known as the Canal Cafe, and/or that portion of the premises of the Canal Cafe operated by the said Gulf Shores Social Club, to be a liquor nuisance, and will issue

224 an order closing the Canal Cafe and/or that portion of

the Canal Cafe operated by or in the name of the Gulf Shores Social Club, for any use whatsoever until final decision has been rendered on the application of the Complainant for a permanent injunction hereinafter applied for.

FOR PERPETUAL INJUNCTION: That upon a final hearing hereof the Complainant prays that the Respondents and any and all other persons, firms, associations and corporations be perpetually enjoined from any selling, buying, furnishing, keeping. storing or disposal of liquors or alcoholic beverages on the premises of the Canal Cafe or any portion of the premises thereof, or at any other place in Baldwin County, Alabama; and that the Respondent Gulf Shores Social Club, Incorporated, be dissolved in accordance with the laws and statutes of the State of Alabama, because of its failure to comply with the laws of the State of Alabama.

And if your Complainant be mistaken in the relief for which it has prayed then it prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted,

Kenneth Cooper

Kenneth Cooper
Circuit Solicitor
28th Judicial Circuit
State of Alabama.

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STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me the undersigned authority, personally appeared Kenneth Cooper, who, being by me first duly sworn, deposes and says that he is the Circuit Solicitor for the 28th Judicial Circuit, State of Alabama, and is the person whose signature is affixed to the foregoing Bill of Complaint and that the matters and things therein alleged are true therein as averred, except the matters and things averred on information and belief, which matters and things he verily believes to be true as therein alleged.

Kenneth Cooper

Sworn and subscribed to before
me this 23rd day of July, 1958.

Clerk of Circuit Court