

THE STATE OF ALABAMA, EX-REL:  
RALPH L. JONES, SOLICITOR,  
Complainant,

Vs.

TOMMY YEEND,  
Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 447.

DECREE OF CONFIRMATION.

A decree having heretofore been rendered in this Court on February 1st, 1939, wherein the Sheriff of Baldwin County, Alabama, was ordered to destroy a slot machine, namely:

DECREE OF CONFIRMATION

- Two (2) five cent slot machines, commonly known as roscoes;
- One (1) ten cent slot machine, commonly known as a roscoe;
- One twenty-five cent slot machine, commonly known as a roscoe;
- One fifty cent slot machine commonly known as a roscoe;

and, whereas, the sheriff has this day reported to me that the same has been destroyed in accordance with the terms of such decree.

It is therefore ordered, adjudged and decreed by the Court that the said report of the said Sheriff be in all things approved and confirmed; and it is hereby ordered that same be and is hereby approved and confirmed.

It is further ordered that the Register of this Court proceed forthwith to carry out the further directions and orders of the decree rendered on the 1st day of February, 1939.

This 27<sup>th</sup> day of March, 1939.

F. W. Hare  
F. W. HARE, Judge of the Circuit Court.

THE STATE OF ALABAMA, EX-REL:  
RALPH L. JONES, SOLICITOR,

Complainant

Vs.

TOMMY YEEND,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 447.

TO HON. W. R. STUART, SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded in accordance with that certain decree of this Court made and rendered on the 1st day of February, 1939, by Hon. F. W. Hare, Judge of said Court, to destroy in the presence of the Register of said Court, the following named articles:

Two (2) Five-cent slot machines, of the type commonly known as Roscoes;

One (1) ten-cent slot machine, of the type commonly known as a Roscoe;

One (1) twenty-five cent slot machine, of the type commonly known as a Roscoe;

One (1) fifty-cent slot machine, of the type commonly known as a Roscoe;

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

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

WITNESS my hand this 10th day of February, 1939.

*R. S. Duck*  
R. S. DUCK, Register of the  
Circuit Court of Baldwin  
County, Alabama, in Equity.

By: *Arthur H. ...*  
Deputy-Register.

THE STATE OF ALABAMA, EX-REL:  
RALPH L. JONES, SOLICITOR,  
Complainant,

Vs.

*Johnny Gwend,*

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 447

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA:

In accordance with an order issued by you under date  
of February 1st, 1939, I beg to report that I have this day in the  
presence of

destroyed the following:

*Two (2) five Cent slot machines - Commonly known as roseal  
One (1) ten Cent slot machine - Commonly known as a roseal  
One (1) twenty five Cent slot machine - Commonly known as a roseal  
One (1) fifty Cent slot machine Commonly known as a roseal*

I further beg to report that above machine has been  
completely wrecked and is of no further use or value.

WITNESS my hand this the 19<sup>th</sup> day of February, 1939.

*W. R. Stuart*  
W. R. STUART, Sheriff of Baldwin  
County, Alabama.

THE STATE OF ALABAMA,  
EX-REL: RALPH L. JONES,  
SOLICITOR,  
COMPLAINANT.

VS.

TOMMY YEEND,  
RESPONDENT.

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

DE CREE.

This cause coming on to be heard in Term time, and the Court having overruled respondent's demurrer to the bill of complaint, the respondent refuses to plead further. The Court therefore is of the opinion that the complainant is entitled to the relief prayed for in the bill of complaint, and is entitled to a final decree in said cause condemning the five slot machines, the subject of this suit, as gambling devices under the laws of the State of Alabama, declaring the same to be contraband property and forfeited, along with their contents, to the State of Alabama, and ordering the said machines to be destroyed and their contents seized therein to be distributed as provided by law.

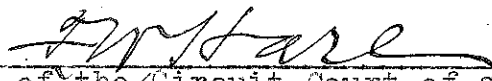
It is, therefore, ordered, adjudged and decreed by the Court that the five slot machines seized from the possession of the respondent in this suit, as set out in the bill of complaint, and described as being two five-cent slot machines, one ten-cent slot machine, one twenty five-cent slot machine and one fifty-cent slot machine, all of the type commonly known as Roscoes, be and the same are hereby adjudged and declared to be gambling devices under the laws of Alabama, and the same are hereby condemned and forfeited, along with their contents, to the State of Alabama, as being gambling devices prohibited by law.

It is further ordered, directed and decreed by the Court that one-half of the money seized in said machines, and now held by the Register of this Court, be paid over by said Register to the officers making the seizure of said machines, and that the remaining one-half of such money be paid over by said Register into the general fund of Baldwin County, Alabama, as provided by law.

It is further ordered and directed by the Court that M.H. Wilkins, former Sheriff of Baldwin County, who now has custody of said machines, deliver them to the present Sheriff of said County, and that said present Sheriff in the presence of the Register of this Court, destroy all of said machines, hereinbefore described, within twenty days from the date of this decree.

It is further ordered and directed by the Court that the costs of this suit be taxed against the Respondent, for which let execution issue. If, however, said costs are not collected on or by said execution, the Register shall tax and collect the costs herein from Baldwin County, to be paid as in criminal cases in which the State fails.

Done, ordered and decreed in open Court, this the 1st day of February, 1939.

  
\_\_\_\_\_  
Judge of the Circuit Court of said  
County. In Equity.



That said slot machines were and are machines, mechanical devices, contrivances, appliances or inventions in the use of which a consideration is paid or deposited, and there is gambling or the hazarding of small amounts of money to win larger amounts of money.

That the possession, ownership and use of said gambling devices were illegal and contrary to law, and such devices are contraband property and forfeited to the State of Alabama, under the terms and provisions of an Act of the Legislature of Alabama, approved July 25th, 1931, and appearing at pages 806-809 of the Acts of said 1931 Legislature of Alabama. That on, to-wit; the 15th day of July, 1938, A. P. Pruett, a law enforcement officer for the State of Alabama, did seize said slot machines, in Baldwin County, Alabama, while they were in the possession of said Respondent, and did duly report said seizure to the said Ralph L. Jones, as such Solicitor, and said machines are being held as contraband property, subject to the orders of this Court.

PRAYER FOR PROCESS.

The premises considered, complainant prays that the usual process issue out of this Court, directed to the said Tommy Yeend, making him a party respondent to this Bill of Complaint, and that he be required to answer, plead or demur to the same within the time and under the penalties prescribed by law, and show cause, if any he has, why the said machines, together with their contents, should not be declared contraband property, and the same forfeited to the State of Alabama.

PRAYER FOR RELIEF.

Complainant further prays that, upon a final hearing of this cause, Your Honor will enter a decree declaring said seized slot machines to be gambling devices, and as such to be contraband property and forfeited with their contents to the State of Alabama, and further directing the same to be

destroyed and their contents distributed as provided by law.

And Complainant further prays for such other, further and additional relief, decrees and orders as may be necessary to accomplish the condemnation and destruction of said machines, as illegal gambling devices prohibited by the laws of Alabama.

Respectfully submitted,

*Ralph L. Jones*

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Solicitor of the 21st Judicial  
Circuit of Alabama.

FOOT-NOTE.

Respondent is required to answer each and every allegation contained in paragraphs numbered FIRST and SECOND of this Bill of Complaint, but not under oath, answer under oath being hereby waived.

*Ralph L. Jones*

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Solicitor of the 21st Judicial Circuit  
of Alabama.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

**TOMMY YEEND,**

**BALDWIN**

of \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

**STATE OF ALABAMA, EX REL: Ralph L. Jones, Solicitor,**

**TOMMY YEEND,**

against said \_\_\_\_\_

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 28th day of July, 1938.

*R. S. Duck*, Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.



STATE OF ALABAMA, EX REL:  
RALPH L. JONES, SOLICITOR,

Complainant,

-vs-

TOMMY YEEND,

Respondent.

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

Now comes the Defendant, and files this, his Demurrer to the Bill of Complaint in this cause filed, and as grounds therefor, says:-

1. That the Bill of complaint does not contain equity.
2. That this is a proceedings in rem and should be made against the articles therein described.
3. That this proceedings should also be against the articles, machines or mechanisms mentioned in the Bill of Complaint.
4. Without proceedings of condemnation against the articles mentioned in the Bill of Complaint this court has no authority to condemn the same.
5. Without the articles mentioned in the Bill of Complaint being proceeded against, this court has no authority to order their destruction.
6. That for aught appearing in the Bill of Complaint said articles, mechanisms or machines in their operation could be influenced by the will or skill of the person operating same.
7. That for aught appearing in the Bill of Complaint the operator could operate the articles, machines or mechanisms therein mentioned so by will or skill as to influence the results of winning or losing.
8. That the allegation in the Bill of Complaint that the articles mentioned therein are gambling devices as defined by the laws of Alabama, is but a conclusion of the pleader.
9. That said device mentioned in the Bill of Complaint is not properly or clearly described by the pleader.
10. That said device being described as a pin ball machine with automatic pay-out means nothing, and the statement that such mechanism is a gambling device is nothing more than a conclusion of the pleader.

(page two)

11. That said complaint fails to define what a pin table machine is or what a pay-out is, and the allegations that the same is a gambling device is but a conclusion of the pleader.

12. That the said device being described as a Roscoe means nothing, and the statement that such machine is a gambling device is nothing more than a conclusion of the pleader.

  
Solicitors for Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
NO. 447  
IN EQUITY.

THE STATE OF ALABAMA, EX-RE:  
RALPH L. JONES, SOLICITOR  
Complainant,

Vs.

TOMMY YEMM,  
Respondent.

DECREE OF CONFIRMATION.

A decree having heretofore been rendered in this Court

February 1st, 1939, wherein the Sheriff of Baldwin County, Alabama, was ordered to destroy a slot machine, name:

- One (1) ten cent slot machine, commonly known as a roscoc;
- One twenty-five cent slot machine, commonly known as a roscoc;
- One fifty cent slot machine commonly known as a roscoc;
- Two (2) five cent slot machines, commonly known as roscocs;
- One (1) ten cent slot machine, commonly known as a roscoc;
- Two (2) five cent slot machines, commonly known as roscocs;

and, whereas, the sheriff has this day reported to me that the

same has been destroyed in accordance with the terms of such

decree.

It is therefore ordered, adjudged and decreed by the

Court that the said report of the said Sheriff be in all things

approved and confirmed; and it is hereby ordered that same

be and is hereby approved and confirmed.

It is further ordered that the Register of this Court

proceed forthwith to carry out the further directions and orders

of the decree rendered on the 1st day of February, 1939.

This 27th day of March, 1939.

*[Signature]*  
F. W. HARR, Judge of the Circuit  
Court.

DECREE OF CONFIRMATION

447

THE STATE OF ALABAMA, HONORABLE JAMES E. LAMM, GOVERNOR, COMPLAINT.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA, BALDWIN COUNTY, ALABAMA.

IN EXHIBIT NO. 447

Respondent.

*James E. Lamm*

TO THE HON. JAMES E. LAMM, GOVERNOR, STATE OF ALABAMA, BALDWIN COUNTY,

ALABAMA:

In accordance with an order issued by your under date of February 1st, 1933, I beg to report that I have this day in the

REPORT OF SHERIFF

presence of

destroyed the following:  
(1) five sets of machine gun magazines - Remington-Union  
(2) five sets of machine gun magazines - Remington-Union  
(3) five sets of machine gun magazines - Remington-Union  
(4) five sets of machine gun magazines - Remington-Union

I further beg to report that above machine gun magazines

completely useless and of no further use or value.

WITNESSED my hand this 19<sup>th</sup> day of February, 1933.

*W. A. ...*  
W. A. ...  
County, Alabama.

447

(copy)

RECORDED *Duck*  
Serve On 7.529

Circuit Court of Baldwin County  
IN EQUITY

No. 447

Summons

STATE OF ALABAMA, EX REL:

Ralph L. Jones, Solicitor,  
Complainant.

VS.

TOMMYTEND,  
Respondent.

Ralph L. Jones,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 193\_\_\_\_\_

Sheriff.

Executed this 1<sup>st</sup> day of \_\_\_\_\_

*Carroll*, 1938

by leaving a copy of the Summons with

*Tommy Tend*  
Defendant

*W. S. Wilkins*  
Sheriff

By *John R. Davis*  
Deputy Sheriff

DEMUURER.

STATE OF ALABAMA, EX REL.:  
RALPH L. JONES, SOLICITOR,

Complainant,

-VS-

TOMMY YENNID,

Respondent.

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

Filed August 31, 1938

R. S. DICK

Notary Public  
Notary Register.

By *Walter Lewis Thompson*  
Deputy