

456

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

VS.

MRS. S. J. CAMPBELL,
RESPONDENT.

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

TO THE HON. F. W. HARE, JUDGE OF SAID COURT;

Comes the State of Alabama, on relation of Ralph L. Jones, Solicitor of the 21st Judicial Circuit of Alabama, and complains of Mrs. S. J. Campbell, and shows to the Court as follows:

FIRST.

That said Ralph L. Jones is the duly elected and qualified Solicitor of the 21st Judicial Circuit of Alabama, which said Circuit embraces Baldwin County, Alabama, and as such official is the prosecuting officer in the Circuit Court of said County. That said Mrs. S. J. Campbell is a citizen of Baldwin County, Alabama, and is over 21 years of age.

SECOND.

That on, to-wit; the 15th day of July, 1938, the said respondent, Mrs. S. J. Campbell, did keep, own, set up, operate or conduct, or permit to be set up, operated or conducted a gambling device, as defined by the laws of the State of Alabama, said gambling device being a five-cent slot machine of the type commonly known as a Roscoe. That said slot machine was a machine, mechanical device, contrivance, appliance or invention intended for the purpose of winning money by hazard of chance, and was being operated, or could be operated as a game of chance. That said slot machine was and is a machine, mechanical device, contrivance, appliance or invention 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 device was illegal and contrary to law, and such device is 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 the said slot machine, in Bladwin County, Alabama, while it was in the possession of said Respondent, and did duly report said seizure to the said Ralph L. Jones, as such Solicitor, and said device is 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 Mrs. S. J. Campbell, making her a party respondent to this Bill of Complaint, and that she 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 she has, why the said described machine should not be declared contraband property, and the same, together with its contents, forfeited to the State of Alabama.

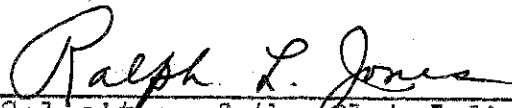
PRAYER FOR RELIEF.

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

that the same be destroyed and its 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 machine, as an illegal gambling device prohibited by the
laws of Alabama.

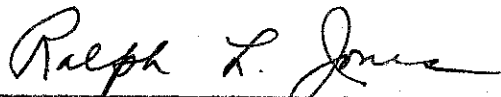
Respectfully submitted,



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.



Solicitor of the 21st Judicial
Circuit of Alabama.

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

Complainant,

Vs.

Mrs. S. J. Campbell,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 456

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:

*one (1) five cent slot machine of the type commonly
known as a rover*

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

WITNESS my hand this the 19th 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.

MRS. S. J. CAMPBELL,
Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 456

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:

One (1) five-cent slot machine, of the type 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: *Franklin Thompson*
Deputy-Register.

THE STATE OF ALABAMA)
EX REL: RALPH L. JONES,)
SOLICITOR,)
 COMPLAINANT)
 VS')
MRS S. J. CAMPBELL,)
 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 slot machine, the subject matter of this suit, as being a gambling device prohibited by the laws of the State of Alabama, declaring the same to be contraband property and forfeited, along with its contents, to the State of Alabama, and ordering said machine to be destroyed and its contents distributed as provided by law.

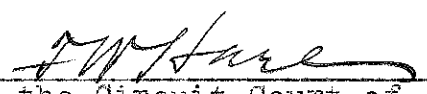
It is therefore, ordered, adjudged and decreed by the Court that the slot machine seized from the possession of the respondent in this suit as set out in the bill of complaint, and described as being one five-cent slot machine of the type commonly known as a Roscoe, be and the same is hereby declared and adjudged by the Court to be a gambling device under the laws of Alabama, and the same is hereby declared and adjudged to be contraband property and is hereby forfeited, along with its contents, to the State of Alabama, as being a gambling device prohibited by law.

It is further ordered and decreed by the Court that one-half of the money seized in said machine, and now held by the Register of this Court, be paid over by said Register to the officers making the seizure of said machine, and that the remaining one-half of said money be paid over by the Register to 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 said County, who now has custody of said machine, deliver the same to the present Sheriff of said County, and that said Sheriff, in the presence of the Register of this Court, destroy said machine hereinbefore described, within twenty days from the date of this decree.

It is further ordered and decreed by the Court that the costs of this suit be taxed against the Respondent, for which let execution issue. If however such costs are not collected on or by said execution, then the Register shall tax and collect the costs herein from Baldwin County, Alabama, 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
Baldwin County, Alabama. In Equity

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

MRS. S. J. CAMPBELL

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,

against said MRS. S. J. CAMPBELL

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 _____ day of

July, 193_____

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-

MRS. S. J. CAMPBELL,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Defendant, and files this, her 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 table 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 one)

(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.

W. H. Hart & Son
~~Solicitors for Respondent.~~

THE STATE OF ALABAMA,
EX-RELI: etc.
Complainant,

vs.

MRS. S. J. CAMPBELL,
Respondent.

DECREE.

Filed February 10, 1938
R. S. DUCK
clerk - register

By *William H. Thompson*
Deputy

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
NO. 458
IN REPLY.

THE STATE OF ALABAMA EX-REL:
JAMES L. JONES, COLLECTOR,
Complainant,

vs.
MRS. S. J. CAMPBELL,
Respondent.

DECREE OF CONFIRMATION.

A decree having heretofore been rendered in this Court
on the 1st day of February, 1930, wherein the Sheriff of Baldwin
County, Alabama, was ordered to destroy a slot machine, namely:
One five cent slot machine of the type commonly
known as a roscoe;

DECREE OF CONFIRMATION

Handwritten:
The Sheriff of Baldwin County, Alabama,
has been destroyed in accordance with the terms of such decree.

and whereas, the sheriff has this day reported to me that
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, 1930.
This 27th day of March, 1930.

Handwritten signature:
W. W. HARR, Judge of the
Circuit Court.

(original)

11:00 AM
Duck
7:54

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 456

Summons

STATE OF ALABAMA, EX REL.:

Ralph L. Jones, Solicitor,

Complainant.

VS.

MRS. S. J. CAMPBELL,

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 1st day of _____

August, 193 8

by leaving a copy of the Summons with

Mrs. S. J. Campbell

Defendant

Mr. N. W. Watkins

Sheriff

By John R. Lewis

Deputy Sheriff

DEMANDER.

STATE OF ALABAMA, EX-PART;
RALPH L. JONES, SOLICITOR,
Complainant,

-VS-

MRS. S. J. CAMPBELL,
Respondent.

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

Filed August 31, 1938

R. S. DUCK

Deputy Register.

By Wm. M. McHenry
Deputy