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

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

CHARLIE HIPSSH

of Baldwin 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

CHARLIE HIPSSH

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-

CHARLIE HIPPSCH,

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 or 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.

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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.

Harold A. Rosen
Solicitors for Respondent.

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

VS.

CHARLIE HIPPS,^H
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 Charlie Hipps^{sch}, 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 Charlie Hipps^{sch} 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, Charlie Hipps^{sch}, did keep, own set up, operate or conduct, or permit to be set up, operated or conducted ~~three~~ ^{four} gambling devices, as defined by the laws of the State of Alabama, said gambling devices being two five-cent slot machines, one ten-cent slot machine and one twenty five-cent slot machine, all of the type commonly known as Roscoes. That said slot machines were machines, mechanical devices, contrivances, appliances or inventions intended for the purpose of winning money by hazard or chance, and were being operated, or could be operated, as games of chance. 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 Charlie Hipps^{sch}, 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.~~ 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_x 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

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

Solicitor of the 21st Judicial Circuit
of Alabama.

THE STATE OF ALABAMA,
EX-REL: RALPH L. JONES,
SOLICITOR,
COMPLAINANT,
VS.
CHARLIE HIPSOCH,
RESPONDENT.

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

DECREE.

This cause coming on to be heard, in Term time, and the Court having overruled the 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 four 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 said machines to be destroyed and the contents seized therein to be distributed as provided by law,

It is, therefore, ordered, adjudged and decreed by the Court that the four 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 and one twenty-five 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 declared and adjudged to be contraband property and 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 him to the officers making the seizure of said machines, and that the remaining one-half of such money be paid 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 said County, who now has custody of said machines, deliver the same 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 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 such execution, then the Register shall tax and collect the costs herein from Baldwin County, to be paid as in criminal cases in which the State fails.

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


Judge of the Circuit Court of
Baldwin County, Alabama. In Equity.

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

Vs.

Charlie Higbee

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 461.

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 rooves
one (1) ten Cent slot machine - Commonly known as a roove
one (1) twenty five Cent slot machine - Commonly known as a roove*

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 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.

CHARLIE HIPSCHE,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 461

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

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

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

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

R. S. Duch
R. S. DUCH, Register of the
Circuit Court of Baldwin County,
Alabama, in Equity.

By: *Paul H. Thompson*
Deputy-Register.

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

Complainant,

Vs.

CHARLIE HIPSCH,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 461.

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 slot machines, namely:

Two five cent slot machines, commonly known as roscoes;
One ten cent slot machine, commonly known as a roscoe;
One twenty-five 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 27th day of March, 1939.

F. W. Hare

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

DEMANDER.

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

Complainant,

-VS-

CHARLIE HIPSCCH,

Respondent.

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

Filed August 31, 1938

R. S. DICK

clerk - REGISTER

As Register.

By *Wm. O. Jones*
Deputy

(original)
RECORDED *Bucke*
9,547

Serve On _____
Circuit Court of Baldwin County
IN EQUITY

No. 461

Summons

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

VS.

CHARLIE HIRSCH
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, 1938
by leaving a copy of the Summons with

Charlie Hirsch
Defendant

Max W. Watkins
Sheriff

By *John R. Lewis*
Deputy Sheriff

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

vs.

CHARLIE HIPSOCH,
Respondent,

Decree.

Filed February 10, 1938
R. S. DDOCK

clerk, U. S. District
By *William H. Ferguson*
Deputy

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 461

THE STATE OF ALABAMA, EX-GRATIA
RABBIT L. JONES, SOLICITOR
Respondent.
vs.
CHARLES HIRSH

DECREE OF CONFIRMATION

DECREE OF CONFIRMATION

A decree having heretofore been rendered in this Court on February 1st, 1933, wherein the Sheriff of Baldwin County, Alabama, was ordered to destroy five cent slot machines, commonly known as "poppers", ten cent slot machines, commonly known as "poppers", and twenty-five cent slot machines, commonly known as "poppers"; 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 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, 1933.
This 27th day of March, 1933.

Y. W. HARR
Judge of the
Circuit Court.

Filed March 28, 1933
S. DUCK
Clerk-Register
By W. H. HARR
Deputy

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