

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

Complainant,

Vs.

May Bennett,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 462

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 pin ball table machines with automatic pay out device;

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, Judge of the
Circuit Court.

DECREE OF CONFIRMATION

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

Complainant,

Vs.

May Bennett

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 467

709
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) pinball table machines with automatic payout devices

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.

MAY BENNETT,

Respondent.

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

NO. 462

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

You are hereby commanded in accordance with the
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 des-
troy in the presence of the Register of said Court, the following
named articles:

Two (2) pin-ball table machines, with automatic pay-out
devices;

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

By: *Pauline Hanson*
Deputy-Register.

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

VS.

MAY BENNETT,
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 respondent's demurrer to the bill of complaint, the respondent refuses to plead over. It is therefore the opinion of the Court that the complainant is entitled to the relief prayed for in the bill of complaint, and is entitled to a final decree in this cause condemning the two pin-ball table machines, the subject matter of this suit, as gambling devices under the laws of the State of Alabama, declaring the same to be contraband property and forfeited, with the contents seized therein, to the State of Alabama, and ordering said machines to be destroyed and said contents to be distributed as provided by law.


It is, therefore, ordered, adjudged and decreed by the Court, that the two pin-ball table machines, seized from the possession of the respondent, as set out in the bill of complaint, be and the same are hereby adjudged and declared to be gambling devices under the laws of Alabama, and the same are hereby adjudged and declared to be contraband property and forfeited, along with the contents seized therein, to the State of Alabama, as being gambling devices prohibited by law.

It is further ordered and directed by the Court that one half of the money seized in said machines be paid over by the Register of this Court, who now holds the same, to the officers seizing 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 has custody of said machines, deliver the same to the present Sheriff of said County, and that said present Sheriff, ~~xxxxxxx~~ 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, 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 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

MAY BENNETT

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 MAY BENNETT,

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-

MAY BENNETT,

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 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.

16/11/2010

Solicitors for Respondent.

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, J. W. McClung, a law enforcement officer for the State of Alabama, did seize the said pin table machines, in Bladwin 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 devices 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 May Bennett, 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 machines should not be declared contraband property, and the same, together with their 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 pin table 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 that the same 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 under 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.

DEMANDER.

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

-VS-

MAY BENNETT,
Respondent.

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

Filed August 31, 1938

R. S. DICK

clerk, Registrar.

By Wm. Lewis Thompson
Deputy

(original)

RECORDED *Duck*
7:548

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 462

Summons

STATE OF ALABAMA, EX REL;
Ralph L. Jones, Solicitor,

Complainant.

VS.

MAY BENNETT,

Respondent.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of *Aug*, 193*8*

W. H. Jenkins
Sheriff.

Executed this *2nd* day of

August, 193*8*

by leaving a copy of the Summons with

May Bennett

Defendant

W. H. Jenkins
Sheriff

By *Ray C. Williams*
Deputy Sheriff

IN THE COURT OF THE DISTRICT OF COLUMBIA

IN RE: [Illegible]

[Illegible]

THE UNITED STATES OF AMERICA
vs. [Illegible]

[Illegible]

[Illegible]

TO THE HON. JUDGE OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

In accordance with an order issued by your honor

of February 1st, 1933, I beg to report that I have this day in

the presence of

deposited the following:

[Handwritten list of items]

REPORT OF SHEET

I further beg to report that above stated monies

has been completely worked out and is of no further use or value.

Witness my hand and the seal of the District of Columbia, this 1st day of February, 1933.

[Signature]
[Illegible]
[Illegible]

462

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 482
IN EQUITY.

THE STATE OF ALABAMA, EX-RE:
RALPH L. JONES, SOLICITOR,
Complainant,
vs.
Ray Bennett,
Respondent.

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 pin ball table machines with automatic pay-off devices; 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 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.

[Handwritten]
R. S. BUCK
clerk - register
Deputy

DECREE OF CONFIRMATION.