

THE STATE OF ALABAMA, EX-REL:)
RALPH L. JONES, SOLICITOR,)
Complainant,)
Vs.)
EMMONS BROWN')
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 474

DECREE OF CONFIRMATION.

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

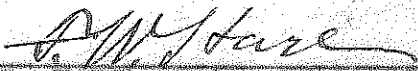
One five cent pin table machine with automatic pay out device;
One one cent slot machine of the type commonly known as a cigarette machine;

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 Circuit
Court.

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

Complainant.

Vs.

EMMONS BROWN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 474.

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 pin-table machine, with automatic pay-out device;
One (1) one-cent slot machine, of the type commonly known as a cigarette machine;

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

You are further directed to report 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: *[Signature]*
Deputy-Register.

THE STATE OF ALABAMA, ex-rel:
RALPH L. JONES, SOLICITOR;
Complainant,

Vs.

Emmons Brewery

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 474

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

In accordance with an order issued by you under date
of February 1st, 1930, I beg to report that I have this day in the
presence of

destroyed the following:

*one (1) five cent pin table machine with automatic payout device
one (1) one-cent slot machine of the type commonly
known as a cigarette machine*

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, 1930.

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

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

VS.

EMMONS BROWN,
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 Emmons Brown, 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 Emmons Brown is
a citizen of Baldwin County, Alabama, and is over 21 years
of age.

SECOND.

That on, to-wit; the 4th day of August, 1938,
the said respondent, Emmons Brown, did keep, own, set up,
operate or conduct, or permit to be set up, operated or
conducted two gambling devices, as defined by the laws of
the State of Alabama, said gambling devices being one
five-cent pin table machine with automatic payout device
and one one-cent slot machine of the type known as a
cigarette machine. That said machines were machines,
mechanical devices, contrivances, appliances or inven-
tions 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 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 4th day of August, 1938, J. W. McClung, a law enforcement officer for the State of Alabama, did seize said 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 Emmons Brown, 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 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.

EMMONS BROWN,
RESPONDENT.

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

DECREE.

This cause coming on to be heard in Term time, was submitted for final decree upon the bill of complaint and decree pro confesso on personal service against the respondent, and the Court having considered and understood the same is of the opinion that 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 pin ball table machine and the slot machine, the subject matter of this suit, declaring said machines to be gambling devices under the laws of the State of Alabama, and as such contraband property, condemning and forfeiting the same together with the contents seized therein and ordering the destruction of said machines and the distribution of their contents as provided by law.

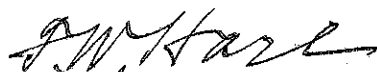
It is, therefore, ordered, adjudged and decreed by the Court that both of said machines seized from the possession of the respondent, as set out in the bill of complaint, and being described as one pin-ball table machine with automatic payout device and one penny slot machine of the type commonly called a cigarette machine, be and the same are hereby adjudged and declared to be gambling devices under the laws of Alabama, and the same are hereby declared to be contraband property and are condemned and forfeited, along with the contents seized therein, to the State of Alabama, as 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 said money, to the officers who made the seizure of said machines, and that the other one-half of said money be paid by said Register into the general fund of Baldwin County, Alabama, as provided by law.

It is further ordered and decreed by the Court that M.H. Wilkins, former Sheriff of Baldwin County, who now holds 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 twentydays 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, the Register shall tax and collect the costs herein from Baldwin County, to be paid as in criminal cases where 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

EMMONS BROWN,

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

EX, REL., STATE OF ALABAMA,

against said EMMONS BROWN,

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 31st day of August, 193 8.

BY: R. S. Duck, Register
Shelley Thompson, Deputy-Register

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

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT IN EQUITY.

..... The State of Alabama, Ex Rel: Complainant
vs.

..... Emmons Brown Defendant.

In this cause it appears to the Register
that a summons requiring the Defendant Emmons Brown

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to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days
after the service of said Summons upon him
was served upon him by the Sheriff of Baldwin County, Alabama, on the
..... 19th day of Oct. 1939.

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And the said Defendant... having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of

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ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things
taken as confessed against the said Emmons Brown

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..... Defendant aforesaid.

This 1st day of Feb. 19 39

..... R. S. Duch Register.

THE STATE OF ALABAMA, IN SENATE,
JANUARY 11, 1938.
COMMISSIONERS

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA.
IN REPLY.

Respondent.

TO THE HON. J. M. HARRIS, JUDGE OF THE CIRCUIT COURT OF SHELBY COUNTY,

ALABAMA:

In accordance with an order issued by your honor dated
of February 1, 1938, I beg to report that I have this day in the
presence of

testify the following:

*Over 100 lbs. sent from table machine with counter-top
over 10 lbs. sent that machine of the type known as a cigarette machine*

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 12th day of February, 1938.

W. J. ...
SHELBY COUNTY, ALABAMA.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN REPLY. No. 474

THE STATE OF ALABAMA, BY-AND-
WILLIE L. JONES, DISTRICT
Attorney.

EMMONS BROWN,
Respondent.

TO HON. W. P. STUART, JUDGE OF SAID CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

You are hereby commanded in accordance with that certain
decree of said court made and entered on the 1st day of February,
1938, Hon. W. P. Stuart, Judge of said court, to destroy in the
presence of the Registrar of said court, the following named ex-

NOTICE TO SHERIFF

One (1) five-cent pin-table machine, with automatic
pay-out device;
One (1) one-cent slot machine, of the type commonly
known as a cigarette machine;

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

You are further directed to report this court your
compliance with said decree of destruction.
WITNESS my hand this 10th day of February, 1938.

W. P. Stuart
F. S. 1032
Registrar of the Circuit Court of
Baldwin County, Alabama, in Reply.

By: ~~W. P. Stuart~~
Deputy Registrar

474

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 474

THE STATE OF ALABAMA, EX-GRATIA,
WALTER E. JONES, SHERIFF,
Complainant,

vs.

EMMONS BROWN,
Respondent.

DECREE OF CONFIRMATION

Whereas the Respondent herein has been rendered by this Court
on February 1st, 1933, wherein the Sheriff of Baldwin County,
Alabama, was ordered to destroy, namely:

- One five cent pin table machine with automatic pay out device;
- One one cent slot machine of the type commonly known as a
cigarette machine;

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, 1933.

This 27th day of March, 1933.

[Signature]
T. J. JONES, Sheriff
Court.

DEPARTMENT OF CONFIRMATION

474

Filed March 29, 1933
Madison Thompson
Deputy

THE STATE OF ALABAMA,
EX REL: Etc,
Complainant,

vs.

EMMONS BROWN,
RESPONDENT.

Decree.

Filed February 10, 1939

R. S. DICK

clerk, register

By Walter Thompson
Deputy

No.

Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

VS.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued 19

Register.

original

20

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 474

Summons

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

VS.

EMMONS BROWN,
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 19th day of

Oct, 1938

by leaving a copy of the Summons with

Emmons Brown
Defendant

W. H. Watkins
Sheriff

By *John Lewis*
Deputy Sheriff