

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

Vs.

F. D. Whetley
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 477.

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 wooden
one (1) One Cent slot machine of the type commonly known
as a Cigarette machine*

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.

I. G. WHEATLEY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 477.

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 ar-
ticles

NOTICE TO SHERIFF

- Two (2) five-cent slot machines, of the type commonly known as Roscoes;
- 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 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: *Laudie Chapman*
Deputy Register.

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

Complainant,

Vs.

I. G. WHEATLEY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 477

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:

Two five cent slot machines--commonly known as roscoes;
One one-cent 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
F. W. HARE, Judge Circuit
Court.

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

VS.

I.G. WHATLEY,
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 against the respondent on personal service, and the Court having considered and understood the same is of the opinion that the complainant is entitled to the relief sought in the bill of complaint, and is entitled to a final decree in this cause condemning the three slot machines, the subject matter of this suit, declaring them to be gambling devices as defined by law, and contraband property, forfeited along with their contents to the State of Alabama, and directing that said machines be destroyed and their contents distributed as provided by law.


It is, therefore, ordered, adjudged and decreed by the Court that the two slot machines of the type known as Roscoes, and the penny slot machine of the type known as a cigarette machine, seized from the possession of the respondent in this suit, 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 are declared to be contraband property and are hereby condemned and forfeited to the State of Alabama, along with the contents seized therein, 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 and now held by the Register of this Court, be paid over by said Register to the officers who seized said machines, and that the other one-half be paid by said Register into the general funds of Baldwin County, as provided by law.

It is further ordered and decreed by the Court that M.H. Wilkins, former Sheriff of said County, who is shown to have the 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, proceed to destroy the said machines hereinbefore described, within twenty days from the date of this decree.

It is further ordered and decreed that the costs of this suit be taxed against the respondent, for which let execution issue. If, however, such costs are not collected upon said execution, the Register shall tax and collect the costs 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

I. G. WHATLEY,

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

THE STATE OF ALABAMA, EX REL.,

against said

I. G. WHATLEY,

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.

R. S. DUCK

clerk - register

Register

Dr. Vanhook Thompson
Deputy

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.

State of Alabama, Ex Rel., Complainant
vs.

I. G. Whatley Defendant

In this cause it appears to the Register
that a summons requiring the Defendant I. G. Whatley

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. 1938.

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

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 I. G. Whatley

Defendant aforesaid.

This 1st day of Feb. 1939

R. S. Oriskany Register.

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

VS.

I. G. WHEATLEY,
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 I. G. Wheatley, 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 I. G. Wheatley
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, I. G. Wheatley, did keep, own, set up,
operate or conduct, or permit to be set up, operated or
conducted three gambling devices, as defined by the laws of
the State of Alabama, said gambling devices being two five-
cent slot machines of the type commonly known as Roscoes,
and one one-cent slot machine of the type commonly known
as a cigarette machine. That said 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 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 I. G. Wheatley, 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,

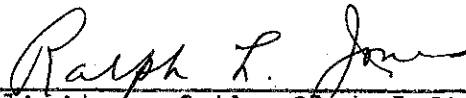
PRAYER FOR RELIEF.

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.

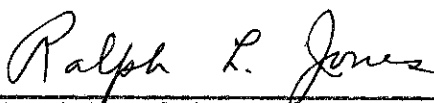
Respectfully submitted,



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.

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 477

Summons

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

VS.

I. G. WHEATLEY,
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

I. G. Wheatley
Defendant

W. H. Wilkins
Sheriff

By John R. Davis
Deputy Sheriff

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

vs.

I. G. WHATLEY,
RESPONDENT.

Decree.

Filed February 10, 1939

R. S. DICK

clerk - register

By *W. H. Johnson*
Deputy