

479

THE STATE OF ALABAMA,  
EX REL: RALPH L. JONES,  
SOLICITOR,  
COMPLAINANT.  
VS.  
A. PERSKE,  
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 prayed for in the bill of complaint, and is entitled to a final decree in this suit, condemning the slot machine, the subject of this suit, declaring the same to be a gambling device as defined by law, declaring it to be contraband property and forfeited along with the contents seized therein, to the State of Alabama, and ordering the destruction of said ~~XXXX~~ machine and the distribution of said contents as provided by law.

It is, therefore ordered, adjudged and decreed by the Court that the penny slot machine of the type commonly 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 is hereby adjudged and declared to be a gambling device as defined by the laws of Alabama, and the same is declared to be contraband property and as such is hereby condemned and forfeited along with the contents seized therein, to the State of Alabama.

It is further ordered and directed that one-half of the money seized in said machine be paid over by the Register of this Court, who now holds same, to the officers making the seizure of said machine, 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 said County, who now holds custody of said machine, 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 said machine, hereinbefore described, within twenty days from the date of this decree.

It is further ordered 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 said costs herein against and 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.

*FWHare*

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

THE STATE OF ALABAMA, EX-REL:	)		
RALPH L. JONES, SOLICITOR,	(	IN THE CIRCUIT COURT OF	
Complainant,	)	BALDWIN COUNTY, ALABAMA.	
	(	IN EQUITY.	NO. <u>479</u>
Vs.	)		
A. PERSKE,	(		
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 machine, namely:

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 27<sup>th</sup> day of March, 1939.

  
 Judge of the Circuit Court.

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

Complainant.

Vs.

A. PERSKE,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 479.

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) 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 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: *Thurlock Thompson*  
Deputy-Register.

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

Vs.

*A. Pucke*

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY. NO. 479

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 - 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 19<sup>th</sup> day of February, 1939.

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

The State of Alabama,  
Baldwin County.

No. \_\_\_\_\_ CIRCUIT COURT IN EQUITY.

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

----- A. Perske Defendant

In this cause it appears to the Register  
that a summons requiring the Defendant A. Perske

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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  
3rd day of Nov. 1938.

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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 A. Perske

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----- Defendant aforesaid.

This 1st day of Feb. 1939

----- R. S. Much Register.

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—

A. PERSKE,

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 A. PERSKE,

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

By *[Signature]*, Register  
Deputy

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



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 4th day of August, 1938, Oliver McDuff and H. G. Black, law enforcement officers 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, <sup>is</sup> ~~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 A. Perske, 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 machine, together with its 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 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



the same to be destroyed and ~~like~~ 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,

*Ralph L. Jones*

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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.

original

Serve On \_\_\_\_\_

Circuit Court of Baldwin County  
IN EQUITY

No. 479

Summons

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

VS.

A. PERSKE,  
Respondent

RALPH L. JONES,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 1938

Sheriff.

Executed this 3<sup>rd</sup> day of

March, 1938

by leaving a copy of the Summons with

A. Perske  
Defendant

M. W. Wilkins  
Sheriff

By John S. Davis  
Deputy Sheriff

IN THE CIRCUIT COURT OF  
SALWAIN COUNTY, ALABAMA  
NO. 493

THE STATE OF ALABAMA, vs. A. FERRIS,  
Complainant,  
vs. A. FERRIS,  
Respondent.

DECREE OF CONFISCATION

RECORD OF CONFISCATION

429

A decree having heretofore been rendered in this Court  
on February 1st, 1932, wherein the Sheriff of Baldwin  
County, Alabama, was ordered to destroy  
slot machines.

One of the slot machines, of the type commonly known as  
cigarette

*Handwritten:*  
Filed March 28, 1932  
R. S. DICK  
Deputy

and, whereas, the Sheriff has this day reported to me that the  
same has been destroyed in accordance with the terms of such de-

crees.

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, 1932.

This 27th day of March, 1932.

*Handwritten signature:*  
Judge of the Circuit Court.

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

Vs.

A. PERSKE,  
Respondent,

Decree.

*Filed & returned 10/1939*  
R. S. DICK

clerk - register

By *Walter S. Thompson*  
Deputy