

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

Vs.

Francis J. Duesch
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 480.

TO THE HON. F. W. HARR, 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 - ancient 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, 1930.

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

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

Complainant,

Vs.

FRANK J. DUSEK,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 480

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: *Pauline Thompson*
Deputy-Register.

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

Vs.
FRANK J. DUSEK,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 480

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:

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 of the Circuit Court.

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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 _____
FRANK J. DUSEK,

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 FRANK J. DUSEK,

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, 1938.

R. S. DUCK
clerk, - register

By *Richard Thompson*, Register
Deputy

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-

FRANK J. DUSEK,

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 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 one-cent slot machine of the type commonly known as a cigarette machine 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 one-cent slot machine of the type commonly known as a cigarette machine is, and the allegations that the same is a gambling device is but a conclusion of the pleader.

Reynolds & Brown
Solicitors for Respondent.

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

VS.

Frank J. Dusek,
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 further. The Court, therefore 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 slot machine, the subject matter of this suit, as a gambling device under the laws of the State of Alabama, declaring the same to be contraband property and forfeited along with its contents seized therein, to the State of Alabama, and ordering the same 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 slot machine, seized from the possession of the respondent in this suit, as set out in the bill of complaint, and described as being a penny slot machine of the type commonly known as a cigarette machine, be and the same hereby is adjudged and declared to be a gambling device under the laws of Alabama, and the same is hereby declared and adjudged to be contraband property and hereby is condemned and forfeited to the State of Alabama, together with its contents seized therein, as being a gambling device prohibited by law.

It is further ordered and directed by the Court that one-half of the money seized in said machine, now held by the Register of this Court, be paid over by said Register to the officers seizing said machine, and that the remaining 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 Baldwin County, who now has 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 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 on or by said execution, the Register shall tax and collect the costs herein against 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.

J. M. Hare

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

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

VS.

FRANK J. DUSEK,
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 Frank J. Dusek, 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 Frank J. Dusek 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, Frank J. Dusek, did keep, own, set up, operate or conduct, or permit to be set up, operated or conducted a gambling device, as defined by the laws of the State of Alabama, said gambling device being a one-cent slot machine of the type commonly known as a cigarette machine. That said slot machine was a machine, mechanical device, contrivance, appliance or invention intended for the purpose of winning money by hazard or chance, and was being operated, or could be operated as a game of chance. That said slot machine is a machine, mechanical device, contrivance, appliance or invention 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 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 Baldwin 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 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 Frank J. Dusek, 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 its 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

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.

IN THE CIRCUIT COURT OF
DADE COUNTY, FLORIDA
NO. 480

THE STATE OF ALABAMA, EX-REL;
FRANK J. DUBREK,
Complainant,
vs.
Respondent.

DECREE OF CONFISCATION

DECREE OF CONFISCATION

A decree having heretofore been rendered in this Court
on February 1st, 1936, wherein the Sheriff of Dade County,
Alabama, was ordered to destroy
one one cent slot machine of the type commonly
cigarette machine;
and, whereas, the Sheriff has this day reported to me that
said machine has been destroyed in accordance with the terms of said de-
-cree,
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 Sheriff of this Court
proceed forthwith to carry out the further directions and orders
of the decree rendered on the 1st day of February, 1936.

Filed March 29 1936
R. B. DUBREK
Deputy Sheriff

By *[Signature]*
Deputy

This 27th day of March, 1936.

[Signature]
Judge of the Circuit Court.

480

RECORDED

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DECURRER.

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

Complainant,

-VS-

FRANK J. DUSMK,

Respondent.

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

Filed December 2nd, 1938

R. S. Luck

Register.

By - Pauline Thompson,
Deputy

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 480

Summons

THE STATE OF ALABAMA, EX REL.,

Ralph L. Jones, Solicitor,
Complainant.

VS.

FRANK J. DUSEK,
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 3rd day of

March, 1938

by leaving a copy of the Summons with

Frank J. Dusek
Defendant

M. W. Williams
Sheriff

By *John P. Davis*
Deputy Sheriff