

THE STATE OF ALABAMA, EX-REL:)
RALPH L. JONES, SOLICITOR,)
Complainant.)
Vs.)
ALBERT SCHWEIZER,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 481.

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

187
RECEIVED BY SHERIFF
NO. 1001
FEBRUARY 10 1939

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 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: *Walter Thompson*
Deputy 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

ALBERT SCHWEIZER,

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 ALBERT SCHWEIZER,

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 *Lawrence Thompson* Deputy 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-

ALBERT SCHWEIZER,

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.

(page two)

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.

Robert J. Rosen
Solicitors for Respondent.

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

Vs.

ALBERT SCHWEIZER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 481

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 five cent pin table machine with automatic payout 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.


Judge of the Circuit Court.

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

VS.

ALBERT SCHWEIZER,
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 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 of this suit, as gambling devices under the laws of the State of Alabama, declaring the same to be contraband property and forfeited, along with the contents seized therein to the State of Alabama, and ordering the same to be destroyed and said contents seized therein distributed as provided by law.

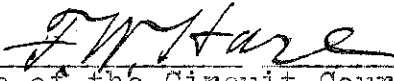
It is, therefore, ordered, adjudged, and decreed by the Court that the pin-ball table machine and the slot machine seized from the possession of the respondent in this suit, as set out in the bill of complaint, and described as being one pin-ball table machine with an automatic payout device and one penny slot machine of the type commonly known as 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 adjudged and declared to be contraband property and forfeited, with their contents, to the State of Alabama, as being such gambling devices prohibited by law.

It is further ordered and directed 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 making the seizure of said machines, and that the remaining one-half 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 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 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, Ala. In Equity.

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

Vs.

Albert Schweizer

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 481.

TO 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, 1939, I beg to report that I have this day in the
presence of

destroyed the following:

*One - five cent Rim table machine with automatic payout device
One - one cent slot 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 the 19th day of February, 1939.

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

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

VS.

ALBERT SCHWEIZER,
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 Albert Schweizer, 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 Albert Schweizer
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, Albert Schweizer, 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, Oliver McDuff and H. G. Black, law enforcement officers for the State of Alabama, did seize the 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 Albert Schweizer, 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.

RECORDED

487

Weeks

8.40-0

DEPUTY.

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

Complainant,

-VS-

ALBERT SCHWITZER,

Respondent.

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

Filed December 2nd, 1938

R. S. Dwell
Register.

*By - Public Guardian
Dwell*

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 481

Summons

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

vs.

ALBERT SCHWEIZER,
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

Albert Schweizer

Defendant

M. H. Perkins

Sheriff

By *John P. Davis*

Deputy Sheriff