

485

THE STATE OF ALABAMA EX-REL:)
RALPH L. JONES, SOLICITOR, ()
Complainant, ()
Vs. ()
MRS. D. O. CALLOWAY ()
Respondent. ()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO 485

DECREE OF CONFIRMATION.

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

One pin-ball table machine with automatic payout device;

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 of the
Circuit Court.

DECREE OF CONFIRMATION

RECORDED

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

Complainant,
Vs.
MRS. D. O. CALLOWAY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY. NO. 485

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) pin-table machine, with automatic pay-out device;

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 J. Thompson*
Deputy-Register.

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

Vs.

Mrs. D.O. Calloway,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 485.

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 pin Table machine with automatic Payout device

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

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

VS.

Mrs. D.O. CALLOWAY,
RESPONDENT.

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

DE CREE.

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 condemning the pin-ball table machine, the subject matter of this suit, declaring the same to be a gambling device under the laws of the State of Alabama, and declaring the same to be contraband property and forfeited to the State of Alabama, along with the contents seized therein, and further ordering said machine to be destroyed and its contents to be distributed as provided by law.


It is, therefore, ordered, adjudged and decreed by the Court, that the pin-ball table machine, with automatic payout device, seized from the possession of the respondent, as set out in the bill of complaint, be and the same is hereby declared and adjudged to be a gambling device under the laws of Alabama, and the same is hereby declared and adjudged to be contraband property and is condemned and forfeited, along with the contents seized therein, to the State of Alabama, 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 who made the seizure of said machine, and that the remaining one-half of said money be paid over by the 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, Alabama, who has said machine in custody, deliver the same to the present Sheriff of Baldwin County, and that said present Sheriff, in the presence of the Register of this Court, destroy the said machine 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, the said costs are not collected on or by said execution, the Register shall ~~make~~ 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, Alabama. In Equity.

The State of Alabama,
Baldwin County.

No. _____ CIRCUIT COURT IN EQUITY.

THE STATE OF ALABAMA, EX REL: _____ Complainant
vs.

MRS. D. O. CALLOWAY, _____ Defendant.

In this cause it appears to the ~~#####~~ Register

that a summons requiring the Defendant _____

MRS. D. O. CALLOWAY, _____

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 her _____ was served upon her _____ by the Sheriff of Baldwin County, Alabama, on the 19 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 _____

MRS. D. O. CALLOWAY

Defendant aforesaid.

This 1st day of Feb. 19 39

R. S. D... 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

MRS. D. O. CALLOWAY,

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 MRS. D. O. CALLOWAY,

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 *[Signature]*, Register
Deputy

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

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, J. W. McClung, a law enforcement officer for the State of Alabama, did seize the said pin table 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 Mrs. D. O. Calloway, making her a party respondent to this Bill of Complaint, and that she 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 she has, why the said described machine should not be declared contraband property, and the same, together with its contents, 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 pin table 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 that the same 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 under 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 THIRD 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

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 485

Summons

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

VS.

MRS. D. O. CALLOWAY,
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

Mrs. D. O. Calloway
Defendant

M. W. Williams
Sheriff

By *John P. Harris*
Deputy Sheriff