

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA, EX REL KENNETH COOPER
SOLICITOR OF BALDWIN COUNTY, ALABAMA

Complainant,

Vs.

W. M. McDILL AND ONE 5¢ MILLS SLOT
MACHINE

Respondent.

In the Circuit Court.

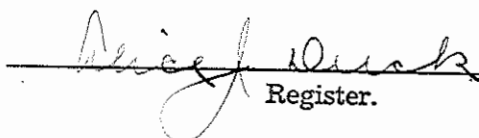
In Equity No. 2329.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

W. M. McDILL AND ONE 5¢ MILLS SLOT MACHINEby the Sheriff of BALDWIN County, on the 16th day of August,
1949.And it further appears to the Register, that the said W. M. McDILL AND ONE 5¢ MILLS
SLOT MACHINE

_____, the Respondents, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of KENNETH COOPER Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said _____
W. M. McDILL AND ONE 5¢ MILLS SLOT MACHINE

This 17th day of September, 1949.
Register.

STATE OF ALABAMA, EX REL
KENNETH COOPER, SOLICITOR,
COMPLAINANT,

VS. W. M. McDill

RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

This cause coming on to be heard, was submitted for final decree on the bill of complaint and decree pro confesso on personal service against the respondent W. M. McDILL, and the Court having considered the same is of the opinion that the complainant is entitled to the relief prayed for, and that said machine~~s~~ namely: One 5th Mills Electric Slot Machine,

was
which machine~~s~~ ~~WERE~~ seized from the possession of the respondent, W.M. McDILL on the 19th day of March, 1949~~1950~~, by TAYLOR WILKINS, Sheriff of Baldwin County, Alabama, which machine is the subject of this suit, was and is a gambling device as defined by the laws of the State of Alabama and as such is contraband property and forfeited to the State of Alabama, and is subject to be condemned and destroyed as such.

It is therefore ordered, adjudged and decreed by the Court that the device hereinabove described be and the same is hereby declared to be a gambling device and is hereby adjudged and declared to be contraband property and is condemned and forfeited to the State of Alabama, along with its contents as a gambling device prohibited by law.

It is further ordered, directed and decreed by the Court that one half of the money seized in said devices be paid over by the Register of this court to the officers making the seizure of said device as above set out, and that remaining one half of said money or monies be paid into the General Fund of Baldwin County, Alabama as provided by law.

It is further ordered and decreed by the Court that the Sheriff of Baldwin County, Alabama, in the presence of the Register of this Court destroy the gambling device hereinabove described, within twenty days of the date of this decree unless an appeal is taken from this decree as provided by law.

It is further ordered and decreed by the Court that the cost of this suit be taxed against the respondent, for which let execution issue. If, however, such costs are not collected by such execution, then the Register shall tax and collect the cost from Baldwin County, to be paid as in criminal cases where the State fails.

Done, ordered and decreed, this 12th day of March, 1950.

Julian H. Mashburn Jr.
Judge, Circuit Court of Baldwin
County, Alabama

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA }
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

No. 2329--

TERM, 1949--

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon W. M. McDill AND ONE 5¢ MILLS ELECTRIC SLOT MACHINE

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against W. M. McDILL AND ONE
5¢ MILLS ELECTRIC SLOT MACHINE, Defendant

by STATE OF ALABAMA, EX REL KENNETH COOPER, SOLICITOR OF BALDWIN COUNTY, ALABAMA

Plaintiff

Witness my hand this

11th

day of

August

1949

Alice J. reuck, Clerk

STATE OF ALABAMA, EL REL)
KENNETH COOPER, SOLICITOR OF)
BALDWIN COUNTY, ALABAMA)

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

VS.)
W.M. McDILL AND ONE-5¢ MILLS)
ELECTRIC SLOT MACHINE)

TO THE HONORABLE JUDGE TELFAIR J. MASHEURN, JR., OF THE CIRCUIT COURT
OF BALDWIN COUNTY, IN EQUITY SITTING.

Comes your petitioner, KENNETH COOPER, as Solicitor of the 28th
Judicial Circuit of Alabama, and respectfully shows and informs the
Court of the following facts:

(1) That your complainant, KENNETH COOPER, is the Circuit Solicitor
of Baldwin County, Alabama, and is authorized by law to bring this bill.

(2) That W.M. McDill is a resident of Baldwin County, Alabama, and
is over the age of twenty-one years.

(3) That on, to wit, March 19, 1949, TAYLOR WILKINS, Sheriff of
Baldwin County, Alabama, did find and seize in Baldwin County the gamb-
ling devices hereinafter described, and has reported such seizure and
detention to your complainant.

(4) That the said report of seizure and detention of said personal
property shows that said Sheriff has seized the following described gambling
devices, to wit:

One 5¢ Mills Electric Slot Machine, console type,
manufactured by Mills Novelty Company.

(5) That said above described machines when seized and removed
were in the possession of W.M. McDILL, and your orator is informed
and on such information believes and states that the said machines are
the property of said W.M. McDILL.

(6) Your complainant charges and avers that the above described
machines are gambling devices within the meaning of Code of Alabama,
1940, tit 14, Sect 283.

The premises considered, your orator prays that the said ~~W.M. McDILL~~ be made a party respondent to this bill of complainant, that summons issue requiring him to plead, answer or demur to this bill of complainant under the rules of this Honorable Court, and within the time prescribed by law; and that on the final hearing of this cause that the court will make and enter a decree declaring that the above named article is a gambling devices, that same be forfeited with its contents to the State of Alabama, and be destroyed.

And the Complainant prays for such other, further and additional relief, decrees and orders as may be necessary to accomplish such condemnation and destruction of said gambling devices as an illegal gambling device under the laws of Alabama.



KENNETH COOPER

Solicitor

28th Judicial Circuit of Alabama

THE STATE OF ALABAMA, }
Baldwin County } No. _____ Circuit Court, In Equity.

STATE OF ALABAMA. EX REL KENNETH COOPER, SOLICITOR OF
BALDWIN COUNTY, ALABAMA,

Complainant...

Vs.

W.M. McDILL AND ONE 5¢ MILLS SLOT MACHINE

Defendants...

Motion is hereby made for a Decree Pro Confesso against _____

W.M. McDILL AND ONE 5¢ MILLS SLOT MACHINE

Defendants...

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant B; and that said summons was duly served according to law, and that said Defendant B have failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 17th day of September 19 49

Kenneth Cooper
Solicitor.

STATE OF ALABAMA)
BALDWIN COUNTY) . . . IN THE CIRCUIT COURT . . LAW SIDE . . .

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-

You are hereby commanded to summon Miriam D. Boswell and James H. Boswell to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding same, within thirty (30) days from the service of this summons and complaint, then and there to answer the complaint of the State Bank of Elberta, Elberta, Alabama, a corporation.

You are hereby commanded to execute this process instantler and make return as required by law.

WITNESS my hand this 27th day of July, 1954.

Deirdre L. Houch
Clerk

- COMPLAINT -

STATE BANK OF ELBERTA
Elberta, Alabama, a
Corporation,

Plaintiff,

-vs-

MIRIAM D. BOSWELL and
JAMES H. BOSWELL,
Defendants,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

COUNT 1

The Plaintiff claims of the Defendants the following described personal property, to-wit:- One (1) 1953 Plymouth Granbrook Four Door Sedan, Motor #P-24-476769, Serial #20620969, with the value of the use thereof during detention.

COUNT 11

The Plaintiff claims of the Defendants One Thousand Two Hundred Sixty Dollars (\$1,260.00) due by Chattle Mortgage Note made by Miriam D. Boswell and endorsed by James H. Boswell on the 12th day

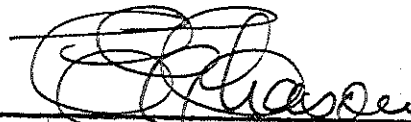
of November, 1953, with interest thereon at the rate of eight per cent (8%) per annum from April 12, 1954.

The Plaintiff avers that in and by the terms of said Note the Defendants waived as to this debt all right of exemption under the Constitution and Laws of Alabama or any other State, and of this waiver the Plaintiff now claims the benefit.

The Plaintiff further avers that in and by the terms of said Note the Defendants agreed to pay all costs of collecting or securing, or attempting to collect or secure said note, including a reasonable Attorney's Fee, and the Plaintiff further claims of the Defendants the further and additional sum of Two Hundred Dollars (\$200.00) as such reasonable Attorney's Fee.

COUNT 111

The Plaintiff claims of the Defendants Seventy-Seven and 96/100 Dollars (\$77.96) due from them for Insurance issued on one 1953 Plymouth Four Door Sedan, at the request of the Defendants, which sum of money, with the interest thereon is still unpaid.



Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

TO THE SHERIFF OF SAID COUNTY, GREETINGS:-

The Plaintiff having given Bond and made Affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendants gives Bond payable to the Plaintiff, with security in double the value of the property, conditioned that if the Defendants is cast in the suit, they will, within thirty (30) days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this 27 day of July, 1954.


Clerk

Executed by serving a copy of the within summons and complaint
on the Defendants this 31 day of July, 1954.

Saylor & Siskin
Sheriff
By: Geo. Crawford, D.D.

Further executed by taking into my possession and storing
property described within.

This 31 day of July, 1954.

Saylor & Siskin
Sheriff
By: Geo. Crawford

Bond made by Plaintiff, signed by
Fred Dugger and Tom Gray

Jay Walker
Sheriff

FILED

7-27-54

ALICE J. DICK, Clerk

(third and last page)

Received in Sheriff's Office
this 27 day of July 1954
TAYLOR WILKINS, Sheriff

W 2329

BILL OF COMPLAINT

STATE BANK OF ELBERTA,
Elberta, Alabama, a
Corporation,

Plaintiff,

-VS-

MIRIAM D. BOSWELL and
JAMES H. BOSWELL,

Defendants.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

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FILED

JUL 27 1954

CECIL G. CHASON
ATTORNEY AT LAW
POLEY, ALABAMA

Detmery

The State of Alabama, {

Baldwin County

BOOK 006 PAGE 169

KNOW ALL MEN BY THESE PRESENTS, That we, _____

Miriam D. Boswell and James H. Boswell

and _____

are held and firmly bound unto State Bank of Elbertain the sum of Two Thousand Five Hundred Twenty & 00/100 Dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.Sealed with our seals and dated this 4th day of August 19 54The condition of the above obligation is such that whereas the said State Bank of Elberta,A Corp.did, on the 27th dayof July 19 54 sue out of the Circuit Court of Baldwin County a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the

following property, to-wit: _____

One 1953 Plymouth Granbrook Four Door SedanMotor #P-24-476769, Serial #206209which said writ was placed in the hands of Taylor Wilkins,Sheriff of Baldwin County, Alabama, on the 21th day of July, 19 54,and executed by him on the 31st day of July, 19 54, by taking into his possession the following property, to-wit:One 1953 Plymouth Granbrook Four Door SedanMotor #P-24-476769, Serial #206209And whereas the above bound Miriam D. Boswell and James H. Boswell,

Defendant in said suit, has, within five days from the execution of said writ, entered into and executed this bond as required by law and thereby obtained possession of said property seized under this writ.

Now if the said State Bank of Elberta is cast in said suit and within thirty days after judgment deliver the property aforesaid to the Plaintiff and pay all costs and damages which may accrue from the detention thereof, then this obligation to be void, otherwise to remain in full force and effect.Miriam D. BoswellJames H. Boswell

(SEAL)

Fred DeGuer

(SEAL)

(SEAL)

Taken and approved this 5th day of August 19 54Taylor Wilkins
Sheriff, Baldwin County, Ala.

THE STATE OF ALABAMA,

BALDWIN COUNTY.

Circuit Court, Baldwin County

REPLEVY BOND
OF DEFENDANT

vs.

Taken and approved this _____

day of _____, 193____

Notice is hereby given that the property described herein has not been turned over to the Plaintiff. Therefore this bond is so endorsed as required by law.

Jay W. Wilkins Sheriff
This 8th day of April 1955

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

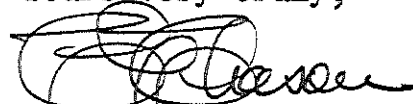
July 26, 1954

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint, Affidavit and Bond
in the Attachment Suit of the State Bank of Elberta -vs-
Miriam and James Boswell.

Yours very truly,



C. G. Chason

CGC:fm

encls. 2

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:- That the STATE BANK OF ELBERTA, Elberta, Alabama, a corporation, as Principal, and H. L. KING, as Surety, are held and firmly bound unto Miriam D. Boswell and James H. Boswell in the sum of Two Thousand Five Hundred Twenty Dollars (\$2,520.00), to be paid to the said Miriam D. Boswell and James H. Boswell, their heirs, executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, and firmly by these presents.

Sealed with our seals, and dated this 16th day of July, 1954.

The condition of the above obligation is such, that whereas, the above bound STATE BANK OF ELBERTA, Elberta, Alabama, a corporation, on the day of the date hereof hath obtained at the suit of the STATE BANK OF ELBERTA, Elberta, Alabama, a corporation, vs. MIRIAM D. BOSWELL and JAMES H. BOSWELL, a Summons and Complaint for recovery of personal property in specie against said Defendants and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession" as required by law in such cases, which Summons and Complaint are returnable to the next term of the Circuit Court of Baldwin for such County, and which said endorsement is made upon the Plaintiff entering into this Bond.

Now, if the said Plaintiff shall fail in this suit, and shall pay the Defendants all such costs and damages as it may sustain by reason of the wrongful complaint in said case, then this obligation is to be void, otherwise to remain in full force and effect.

STATE BANK OF ELBERTA, Elberta, Alabama
a corporation,

BY [Signature] Seal
Its Executive Vice President,
as Principal

[Signature] SEAL
as Surety

Approved this 27th day of
July, 1954.

[Signature]
Clerk

STATE OF ALABAMA

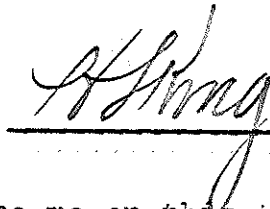
BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said County in said State, personally appeared H. L. King, Executive Vice-President of the State Bank of Elberta, Elberta, Alabama, a corporation, who being by me duly sworn, deposes and saith;*

That the State Bank of Elberta, Elberta, Alabama, is the owner of and rightly entitled to possession of the following described personal property under and by virtue of a Chattle Mortgage dated the 12th day of November, 1953, and payable in installments as therein set out, there being now due the principal amount of One Thousand Two Hundred Sixty Dollars (\$1,260.00) on said note, with interest at the rate of eight per cent (8%) per annum from the 12th day of April, 1954, viz:- One (1) 1953 Plymouth Four Door Sedan, Motor #P-24-476769, Serial #20620969.

Affiant states that this Chattel Mortgage is filed in the office of the Judge of Probate of Baldwin County, Alabama, and is recorded in Mortgage Book 229, Page 97.

Affiant further states that the Chattel Mortgage Note above referred to gives the State Bank of Elberta, Elberta, Alabama, as owner thereof, full right and authority to the possession of the property for the purpose of selling in accordance with the terms thereof, and upon this authority, this affidavit is based.



Sworn to and subscribed before me on this the 26th day of July, 1954.

FILED

7-27-54

ALICE J. BUCK, Clerk



Notary Public, Baldwin County
State of Alabama

THE STATE OF ALABAMA, EX-rel:
KENNETH COOPER, SOLICITOR,

VS. Complainant,

W. M. MC DILL
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 2329

TO HON. TAYLOR WILKINS, 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 March, 1950, by Hon. Telfair J. Maaburn, Jr., Judge of said Court, to destroy in the presence of the Register of said Court, the following named articles; ^{dictum} ONE 5¢ MILLS SLOT 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 17th day of March, 1950.

Alice J. Maaburn
Register of Circuit Court,
In Equity.

RECEIVED BY BALDWIN COUNTY

MAILED 1000
MAR 20 1950
BALDWIN COUNTY
SHERIFF'S OFFICE
TAYLOR WILKINS

2329
COMPLAINT

RECORDED

STATE OF ALABAMA, EX REL

KENNETH COOPER, SOLICITOR OF

BALDWIN COUNTY, ALABAMA,

VS.

W.M. McDILL AND ONE 5¢ MILLS

ELECTRIC SLOT MACHINE.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED

AUG 11 1949

ALICE J. DUCK, Register

Received in Sheriff's Office
this 15 day of Aug, 1949
TAYLOR WILKINS, Sheriff

Executed Aug 16 1949
by serving copy of within Summons and
Complaint on

W M McDill

Taylor Wilkins Sheriff
By M. Jindas Deputy Sheriff