

BALDWIN  
~~XXXX~~  
**The State of Alabama, Pike County**  
~~XXXX~~  
**CIRCUIT COURT**

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon **BEN GARRIEK**

**Baldwin**  
 to appear in the Circuit Court of ~~Pike~~ County, Alabama, at the place of holding the same and plead, answer, or demur,  
 within thirty days from service hereof to the complaint of **FRANKIE SMILEY, A minor, suing**  
 by Lervie Smiley, as next friend.

Witness this 19 day of JULY 19 63

Bessie French, Clerk

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS  
 AFTER SERVICE, THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT

**COMPLAINT**

**FRANKIE SMILEY, A minor,**  
 suing by Lervie Smiley, as  
 next friend

~~FRANKIE SMILEY~~

vs.

**BEN GARRIEK**

Plaintiff

Defendant

COUNT ONE: Plaintiff claims of defendant \$5000 as damages, for that, on June 27, 1963, in Baldwin County, Ala., on a public highway, U.S. Highway 31, at a point about 4 miles south of Bay Minette, defendant so negligently operated the vehicle he was then driving, that the car in which plaintiff was lawfully riding, but not driving, collided with another vehicle and turned over, and as a proximate consequence of said negligence of the defendant, the plaintiff suffered the following damages:

He suffered a deep and severe cut over his right eye;  
 He suffered severe bruises on his left shoulder;  
 He suffered mutiple bruises and contusions all over his body;  
 He suffered, and will continue to suffer, pain and shock;  
 He has incurred, and will incurr, medical and doctor bills in the treatment of his injuries;

WHEREFORE, he sues for said sum.

COUNT TWO: Plaintiff claims of defendant \$5000 as damages, for that, on June 27, 1963, in Baldwin County, Ala., on U. S. 31, a public highway, about 4 miles south of Bay Minette, the defendant wantonly injured the plaintiff, by wantonly operating the vehicle he was then driving, that the car in which plaintiff was lawfully riding, but not driving, collided with another vehicle, and turned over, and as a proximate consequence of defendants said wanton conduct the plaintiff suffered the following: a deep and severe cut over his right eye; severe bruises on his left shoulder; mutiple bruises and contusions all over his body; suffered, and will continue to suffer, pain and shock; has incurred, and will incurr, medical, and doctor bills in the treatment of his injuries. WHEREFORE, he sues for said sum.

TRIAL BY JURY DEMANDED

John C. Walters  
 John C. Walters, Attorney (For plaintiff)

Address:

Walters Building  
 Troy, Alabama

John C. Walters  
 Attorney for plaintiff

N.F.

FILED  
 JUL 19 1963

ALICE L. DUCK, CLERK  
 REGISTER

Case No 5642

Frankie Smiley  
a minor, suitor  
Larvie Smiley  
as next friend

vs.

Ben Harriek

Returned 23 day of July 1963  
Not found in my county after diligent search and in-  
quiry.

Taylor Wilkins, Sheriff  
By W. A. Talbot  
Deputy Sheriff

next address  
Bay Minette, Ala

Received this 19 day of

July, 1963

, Sheriff

Executed this \_\_\_\_\_ day of

, 19\_\_\_\_

by leaving a copy of the within Summons and  
Complaint with

Defendant \_\_\_\_\_

Sheriff.

..... Miles at 10¢ \$.....

THE STATE OF ALABAMA,  
PIKE COUNTY

To the Sheriff of \_\_\_\_\_ County:

Whereas, the Plaintiff.....in the within stated  
cause ha.....made affidavit and given bond as  
required by law, you are hereby required to  
take the property mentioned in the complaint  
into your possession, unless Defendant.....  
give.....bond payable to the Plaintiff.....with  
sufficient surety in double the amount of the  
value of the property, with condition that if  
the Defendant

cost in the suit,.....  
within thirty days thereafter, deliver the prop-  
erty to the Plaintiff....., and pay all costs and  
damages which may accrue from the detention  
thereof.

Clerk.

Troy Ptg. Co., Troy, Ala.

BALDWIN  
The State of Alabama, ~~Pike~~ County  
XXXXX

CIRCUIT COURT

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You are hereby commanded to summon

BEN GARRIEK

to appear in the Circuit Court of ~~Baldwin~~ County, Alabama, at the place of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of

FRANKIE SMILEY, a minor, suing by  
Larvie Smiley, as next friend.

Witness this 19 day of JULY, 1963

Alice J. Duck, Clerk

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE, THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT

FRANKIE SMILEY, a minor,  
suing by Larvie Smiley, as  
next friend

COMPLAINT

~~FRANKIE SMILEY~~

Vs.

BEN GARRIEK

710-5642

COUNT ONE: Plaintiff claims of defendant \$5000 as damages, for that, on June 27, 1963, in Baldwin County, Ala., on a public highway, U.S. Highway 31, at a point about 4 miles south of Bay Minette, defendant so negligently operated the vehicle he was then driving, that the car in which plaintiff was lawfully riding, but not driving, collided with another vehicle and turned over, and as a proximate consequence of said negligence of the defendant, the plaintiff suffered the following damages:

- He suffered a deep and severe cut over his right eye;
- He suffered severe bruises on his left shoulder;
- He suffered mutiple bruises and contusions all over his body;
- He suffered, and will continue to suffer, pain and shock;
- He has incurred, and will incurr, medical and doctor bills in the treatment of his injuries;

WHEREFORE, he sues for said sum.

COUNT TWO: Plaintiff claims of defendant \$5000 as damages, for that, on June 27, 1963, in Baldwin County, Ala., on U. S. 31, a public highway, about 4 miles south of Bay Minette, the defendant wantonly injured the plaintiff, by wantonly operating the vehicle he was then driving, that the car in which plaintiff was lawfully riding, but not driving, collided with another vehicle, and turned over, and as a proximate consequence of defendants said wanton conduct the plaintiff suffered the following: a deep and severe cut over his right eye; severe bruises on his left shoulder; mutiple bruises and contusions all over his body; suffered, and will continue to suffer, pain and shock; has incurred, and will incurr, medical, and doctor bills in the treatment of his injuries. WHEREFORE, he sues for said sum.

TRIAL BY JURY DEMANDED

John C. Walters  
John C. Walters, Attorney (For plaintiff)  
Address:

Walters Building  
Troy, Alabama

John C. Walters  
Attorney for plaintiff