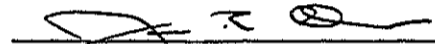


J. L. JETER,  
Plaintiff,  
VS.  
RILEY HAYLES,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4895

APPEAL BY DEFENDANT

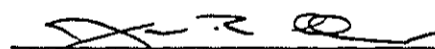
Now comes the defendant and appeals to the Supreme Court of the State of Alabama from the final judgment rendered in this cause in and by the Circuit Court of Baldwin County, Alabama, Law Side, on to-wit, September 11, 1963, and in which cause defendant's motion for a new trial was overruled by the trial court on to-wit, November 5, 1963.

  
Attorney for Defendant

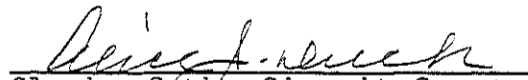
\* \* \* \* \*

SECURITY FOR COST

I, the undersigned, do hereby acknowledge myself as security for the costs of the appeal taken by the defendant in this cause.

  
Attorney for Defendant

Taken and approved on this the  
5 day of December, 1963.

  
Clerk of the Circuit Court  
of Baldwin County, Alabama.

FILED

DEC 5 1963

ALICE J. DUCK, CLERK  
REGISTER

J. L. JETER,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
RILEY HAYLES,	)	AT LAW
	)	NO. 4895
Defendant.	)	

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS: That we, Riley Hayles, as principal, and the undersigned as surety, are held and firmly bond unto J. L. Jeter in the just and full sum of NINE THOUSAND DOLLARS (\$9,000.00), for the payment of which, well and truly to be made and done, we bind ourselves, and each of us, our and each of our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 11<sup>th</sup> day of December, 1963.

The condition of the above obligation is such, that whereas J. L. Jeter obtained a judgment in the above styled cause in the Circuit Court of Baldwin County, Alabama, Law Side, on the 10<sup>th</sup> day of September, 1963, from which judgment the said Riley Hayles has obtained an appeal returnable to the next term of the Supreme Court of Alabama.

Now, therefore, if the said Riley Hayles shall prosecute the said appeal to effect, and satisfy such judgment as may be rendered against him in said cause by the Supreme Court, then this obligation to be null and void, otherwise to remain in full force and effect.

And we, and each of us, hereby waive all rights to or claim of exemption as to personal property we or either of us have or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all encumbrance to the full amount of the above bond.

WITNESS our hands and seals this 11<sup>th</sup> day of December,  
1963.

Riley Hayles (SEAL)  
Riley Hayles

As Principal.

Dallas Taylor (SEAL)

J. C. Hayles (SEAL)  
As Sureties

Taken and approved on this the  
11<sup>th</sup> day of December, 1963.

Alice J. Duck  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

FILED

DEC 11 1963

ALICE J. DUCK, CLERK  
REGISTER

*Pls Ed 1*

J. L. JETER

PLAINTIFF

VS.

RILEY HALES

DEFENDANT

\*

\*

\*

\*

\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Now comes the plaintiff and propounds to the defendant interrogatories,  
as provided by the laws of Alabama, as follows:

1. Are you correctly named in the complaint as Riley Hales?
2. If not correctly named, please state your correct name.
3. Describe the firearm you discharged on or about August 22, 1961 when the plaintiff was injured.
4. Where were you standing in reference to the public road when you discharged the firearm?
5. Did you lend assistance to the plaintiff after he was shot on said occasion?
6. Give the name and address of every witness to the shooting.
7. Have you transferred or conveyed any of your property since August 22, 1961?
8. State in your own words your reason for discharging the firearm, describing the kind of ammunition used on the occasion.

PRESTWOOD & PRESTWOOD

By

*James M. Prestwood*  
Attorneys for Plaintiff

FILED

SEP 30 1961

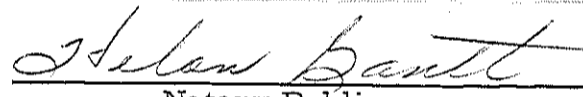
ALICE J. DUCK, CLERK  
REGISTER

STATE OF ALABAMA  
COVINGTON COUNTY

Before me, the undersigned Notary Public in and for said state and county, personally appeared James M. Prestwood who being by me first duly sworn deposes and says that he is the attorney for the plaintiff in this cause and as such is authorized to make this affidavit; that the answers to these interrogatories when well and truly made will be material evidence on the trial of this cause.

  
James M. Prestwood

Sworn to and subscribed before me this 29<sup>th</sup> day of September,  
1961.

  
Notary Public

*Notes Ex 2*

J. L. JETER,

Plaintiff,

VS.

RILEY HALES,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4895

ANSWER OF DEFENDANT TO INTERROGATORIES  
PROPOUNDED TO HIM BY THE PLAINTIFF

Now comes the Defendant and answers the interrogatories  
heretofore propounded to him as follows:

1. No.
2. Riley Hayles.
3. Twelve gauge automatic shotgun.
4. West shoulder of highway.
5. Yes
6. T. C. Mosley, Star Route, Atmore, Alabama.
7. No.
8. I discharged my firearm on or about August 22, 1961,

for the purpose of killing a rattlesnake. I was using twelve gauge  
double aught buckshot on that occasion.

*Riley Hayles*  
Defendant

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority within and for said  
County in said State, personally appeared Riley Hayles known to me,  
who being by me first duly sworn, deposes and says that he is the  
Defendant in the above styled cause and that the above and foregoing  
answers to interrogatories made by him are true and correct.

*Riley Hayles*

Sworn to and subscribed before me  
on this the 21<sup>st</sup> day of November, 1961.

*[Signature]*  
Notary Public, Baldwin County, Alabama.

FILED

NOV 21 1961

ALICE DUCK, CLERK  
REGISTER

THE STATE OF ALABAMA

CIRCUIT COURT

~~XXXXXX~~ COUNTY  
BALDWIN

To Any Sheriff of the State of Alabama—Greeting:

YOUR ARE HEREBY COMMANDED TO SUMMON

Riley Hales

to appear within thirty days from the service of this writ in the Circuit Court of said County, at the place of holding the same, and plead, answer or demur to the complaint of J. L. Jeter

Witness my hand this 30 day of

Sept

1961

Bevis A. Duck, Clerk

COMPLAINT

J. L. JETER

Plaintiff.

vs.

RILEY ~~HALES~~

HAYLES

Defendant.

COUNT ONE:

Plaintiff's Attorney.

The plaintiff claims of the defendant \$25,000.00 as damages for that on to-wit August 22, 1961 the defendant did in Baldwin County, Alabama negligently discharge a firearm and as a proximate result part of the load struck the plaintiff in the chest causing serious bodily injury to the plaintiff as follows:

He suffered a great loss of blood; he suffered great pain and mental anguish; he was rendered unable to work; he was put to great expense for hospital, medical and doctors' services; he was permanently injured; he suffered great shock to his nervous system; part of the shot remains in the chest cavity of the plaintiff and cannot be removed.

Plaintiff avers that he was in his own yard when the defendant discharged the firearm from a point on the public highway. Wherefore plaintiff sues.

James M. Pustony

Attorney for Plaintiff

Plaintiff demands a trial by jury.

James M. Pustony

Attorney for Plaintiff

FILED

SEP 30 1961

MADE J. DUCK, CLERK  
REGISTER

Ed-10-10-61

No. 4895

THE STATE OF ALABAMA  
COVINGTON COUNTY

CIRCUIT COURT

~~Riley Hales~~

Plaintiff.

J. L. Seter  
vs

Riley Hales

New-Ton, Ala  
Defendant.

1. SUMMONS AND COMPLAINT
2. Interrogatories

Filed in office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

FILED

SEP 30 1961

ALICE J. DUCK, CLERK  
REGISTER

Clerk.

Plaintiff's Attorney

Received in office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Oct, 1961

Taylor Wilkins  
Sheriff.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Oct, 1961, by

leaving a copy of the within Summons and Com-

plaint with Riley Hales

Defendant.

Taylor Wilkins  
Sheriff.

W. A. Talbert  
Deputy Sheriff.

Sheriff claims \_\_\_\_\_ miles at \_\_\_\_\_

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY W. A. Talbert  
DEPUTY SHERIFF

We the Jury find in  
favor of the Plaintiff  
in the amount of  
\$4500.00

B. L. Hedge-

J. L. JETER,  
Plaintiff,  
VS.  
RILEY HALES,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4895

DEMURRER

Now comes the Defendant in the above styled cause and demurs to the complaint heretofore filed in said cause and as grounds for said demurrer assign the following separately and severally:

1. It does not state a cause of action.
2. It does not allege with sufficient certainty where the alleged accident occurred.
3. It does not allege how the Plaintiff was injured.
4. It does not allege any duty owing the Plaintiff by the Defendant.
5. It does not allege with sufficient certainty how in the Plaintiff was injured.
6. The allegation that "part of the shot remains in the chest cavity of the Plaintiff and cannot be removed" is a mere conclusion of the pleader.

FILED

OCT 16 1961

ALICE J. DUCK, CLERK  
REGISTER

  
Attorney for Defendant

J. L. JETER

PLAINTIFF

VS.

RILEY HALES

DEFENDANT

\*

\*

\*

\*

\*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Now comes the plaintiff, with leave of the court first had and obtained and amends his complaint by adding thereto the following:

Plaintiff further avers that the defendant did discharge the firearm in the Lottie Community of Baldwin County, Alabama at a point within a few hundred feet of plaintiff's dwelling.

PRESTWOOD & PRESTWOOD

By *James R. Owen*  
Attorneys for Plaintiff

I hereby certify that a copy of the foregoing amendment was mailed to James R. Owen, Attorney for Defendant, this 3rd day of August, 1962 at his address in Bay Minette, Alabama.

*Filed*  
*8-6-62*  
*Angie French*  
*clerk*

*James R. Owen*

J. L. JETER,

Plaintiff,

VS.

RILEY HALES,

Defendant

IN THE CIRCUIT COURT OF

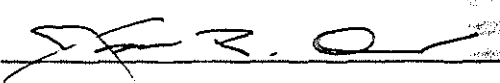
BALDWIN COUNTY, ALABAMA

AT LAW NO. 4895

PLEA

Now comes the defendant in the above styled cause  
and for plea to the complaint heretofore filed and the ammend-  
ment thereto says:

1. Not guilty.

  
Attorney for Defendant

**FILED**

AUG 31 1962

ALICE L. DICK, CLERK

J. L. JETER,

Plaintiff,

VS.

RILEY HAYLES,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4895

MOTION TO DISMISS

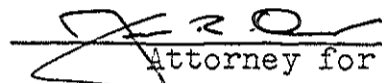
Now comes the Defendant in the above styled cause and moves the Court to dismiss this case with prejudice for failure to prosecute.

DATED this 9th day of September, 1963.

FILED

SEP 9 1963

ALICE J. DICK, CLERK  
REGISTER

  
Attorney for Defendant

J. L. JETER,  
Plaintiff,  
VS.  
RILEY HAYLES,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4895

AMENDED PLEA

Now comes the Defendant in the above styled cause and amends his plea heretofore filed in said cause so that, as amended, the said plea will read as follows:

"Now comes the Defendant in the above styled cause and for plea to the complaint heretofore filed in said cause says, separately and severally:

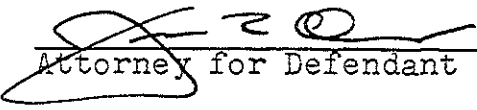
1. Not guilty.
2. The Plaintiff himself was guilty of negligence which proximately contributed to his alleged injuries at the time and place complained of in said complaint in that he placed himself in an exposed position at said time and place when he knew that the Defendant was going to discharge a firearm in the way and manner in which it was so discharged.

FILED

SEP 11 1963

ALICE J. DICK, CLERK  
COURT CLERK

/s/ JAMES R. OWEN  
Attorney for Defendant"

  
Attorney for Defendant

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1965-66

To the Clerk of the Circuit Court,  
Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court  
of said county, in a certain cause lately pending in said Court between

Riley Hayles, Appellant,  
and  
J. L. JETER, Appellee,

wherein by said Court it was considered adversely to said appellant, were brought before our  
Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by  
our Supreme Court, on the 17th day of March, 1966, that said

Judgment of said Circuit Court be in all things  
affirmed, and that it was further considered, ordered, and adjudged that the appellant, ~~and~~  
and Dallas Taylor and J. O. Hayles, sureties on the supersedeas  
bond, pay the amount of the judgment of the Circuit Court and  
10% damages and interest, and the costs of appeal of this Court  
and of the Court below.

~~the costs accruing on said appeal in this Court and in the Court below~~

It is further certified that, it appearing that said parties have waived their rights of exemption  
under the laws of Alabama, it was ordered that execution issue accordingly.

Richard W. Neal Deputy  
Witness / ~~J. R. Thomas~~, Clerk of the Supreme

Court of Alabama, this the 17 day of  
March, 1966

Richard W. Neal  
Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 65-66

1st Div., No. 199

Riley Hayles  
Appellant,

vs.

J. L. Jeter  
Appellee.

From Baldwin Circuit Court  
No. 4895

CERTIFICATE OF  
AFFIRMANCE

The State of Alabama, } Filed  
Baldwin County.

this 18 day of March 1966  
W. J. J. J. J.

MAR 17 1966

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1965-66

1 Div. 199

Riley Hayles

v.

J. L. Jeter

Appeal from Baldwin Circuit Court

COLEMAN, JUSTICE.

The plaintiff sued to recover for personal injury sustained as the proximate result of defendant's negligence in discharging a firearm. Plaintiff was in his own yard. Defendant was a neighbor of plaintiff. Defendant discharged a twelve-gauge shotgun using "double aught" buckshot to kill

2.

a rattlesnake. One of the buckshot struck plaintiff in the chest. As we understand the transcript, defendant testified "I guess I was the one," meaning the one person who shot plaintiff. The shooting seems to have been regarded by plaintiff as not intentional.

The only witness for plaintiff was the plaintiff himself. He testified that he was carried to Atmore Hospital to start with and stayed there twelve or thirteen days; that the doctor probed for the shot but could not get it; that, about three or four weeks after leaving Atmore Hospital, plaintiff went to Andalusia Hospital where the doctor gave plaintiff "all kinds of shots that I had from the lead poison"; that plaintiff stayed there eight or ten days; that plaintiff went to the hospital a third time and stayed nine days; that Doctor Evers operated to get the slug out of plaintiff but did not get it; that plaintiff has had pneumonia three times since he was hurt; that he coughs up blood most of the time; that he coughed up blood on the day of the trial; that, at time of shooting, plaintiff weighed 157 pounds and, on day of trial, he weighed 116 pounds; that he is continuously in pain and takes drugs costing \$25.00 to \$30.00 per month.

Defendant pleaded the general issue and contributory negligence on the part of plaintiff. The court instructed the jury as to the effect of plaintiff's contributory negligence.

The jury returned a verdict for the plaintiff for \$4,500.00 and the court rendered judgment on the verdict.

3.

Defendant's motion for new trial was overruled and defendant appealed.

The only rulings complained of in brief by defendant concern two statements made by plaintiff's counsel during argument to the jury as follows:

"REPORTER'S NOTE: While Mr. Brantley was arguing to the jury, the following took place:

"MR. BRANTLEY: Mr. Owen knows why we don't have Doctors here; this man is a poor man and he has no Doctors here - - - -

"MR. OWEN: We object to that; that is highly improper argument as to his financial condition and I ask the Court to exclude that from the jury.

"THE COURT: Yes, I ask the jury to disregard that.

". . . . .

"REPORTER'S NOTE: Later in the argument of Mr. Brantley, the following took place:

"MR. BRANTLEY: I ask you, gentlemen, to put yourself in the Plaintiff's place - - - -

"MR. OWEN: We object to that; that's highly improper to ask the jury to put themselves in the place of the Plaintiff - - - -

"THE COURT: He can do it; that's a deduction - - - -

"MR. OWEN: We except to that."

Defendant recognizes that the court sustained defendant's objection to the argument that plaintiff is a poor man, but defendant says the court erred in overruling defendant's objection to the argument asking the jurors "to put yourself in the Plaintiff's place - - - -," and the cumulative effect of both arguments prejudiced defendant. Defendant says "It is obvious that the improper argument did influence the verdict of the jury and the case should be reversed and remanded."

In support of his argument, defendant cites the annotation in 70 A.L.R. 2d 935, where authorities are collected on the question of the prejudicial effect of counsel's argument, in a civil case, urging jurors to place themselves in the position of litigant or to allow such recovery as they would wish if in the same position.

Substantially all the cases we have examined hold that such argument is improper. The reason for so holding was expressed by one court as follows:

" . . . The appeal to the jury to put themselves in plaintiff's place was improper. One doing that would be no fairer judge of the case than would plaintiff herself. Dallas Ry. & Terminal Co. v. Smith (Tex. Civ. App.) 42 S. W. (2d) 794. The fact must be very plain to ever justify a lawyer in declaring his opponent's case to be trumped up. The references to the plaintiff's right to life, liberty, and happiness and Woolworth's money

5.

were not a fair presentation of the right to damages. Sympathy for suffering and indignation at wrong are worthy sentiments, but they are not safe visitors in the courtroom, for they may blind the eyes of Justice. They may not enter the jury box, nor be heard on the witness stand, nor speak too loudly through the voice of counsel. In judicial inquiry the cold clear truth is to be sought and dispassionately analyzed under the colorless lenses of the law. We think counsel went too far, and the court should at least have rebuked the language and directed the jury to disregard it. . . . " Woolworth Co. v. Wilson, 74 F. 2d 439, 98 A.L.R. 681, 686, 687.

In the annotation relied on in brief by defendant, we note the following statement:

"There are many cases in which it was recognized that counsel's argument urging the jurors to place themselves in the position of a litigant, or to allow such recovery as they would wish if in the same position, was improper, but that the opposing party was not entitled to relief, on the ground of prejudice, in view of the circumstances present." (70 A.L.R. 2d at page 945)

Among the cases cited by the annotator in support of the last quoted statement is British General Insurance Co. v. Simpson Sales Co., 265 Ala. 683, 688, 93 So. 2d 763, wherein the opinion states that "defendant duly objected and reserved exceptions to" certain argument of plaintiff's counsel. The argument objected to is then set out. It appears that plaintiff argued that the only thing the jury could judge by is what a reasonable man would have done "and, therefore, we consider what we would have done under the circumstances"; plaintiff asked the jury "Did you ever pay cash for fire insurance when you took it out in your life?"; plaintiff further asked the jury if, when they walk into an insurance agent's office to insure an automobile they would say "I am going to take a trip to Florida, now"; and further plaintiff asked the jury "How would you like to have that happen to you?"

The argument of plaintiff in British General, supra, is plainly an invitation to the jurors to place themselves in plaintiff's position when he bought the policy sued on. This court held:

"Regardless of the propriety or impropriety of the remarks of counsel in the case at bar, we do not feel there has been a showing of injury to appellant requiring a reversal. . . . ." (265 Ala. at page 689)

There is much more of argument set out in British General than in the instant case. Here we have the bare request

7.

to the jurors "to put yourself in the Plaintiff's place."

The immediately preceding argument is not shown in the transcript and the argument following the ruling is not shown.

It may be that plaintiff's counsel was arguing that plaintiff was not guilty of contributory negligence in standing in his yard when he saw defendant with the shotgun. The statement of the court suggests some such argument. Plaintiff's counsel may have been saying that plaintiff was not negligent in so doing and asking the jurors to place themselves in plaintiff's place in judging whether he was guilty of contributory negligence in so doing. We do not say such argument would be proper. We do not, however, have before us enough of the argument to say that the bare invitation constituted such a forbidden appeal to the sympathy of the jurors as to prejudice defendant to the extent that this judgment must be reversed.

With respect to remarks of counsel, much discretion is allowed the trial court. Phillips v. Ashworth, 220 Ala. 237, 124 So. 519; Alabama Power Company v. Smith, 273 Ala. 509, 526, 142 So. 2d 228. We are not persuaded that reversible error has been shown.

AFFIRMED.

Livingston, C. J., and Lawson and Goodwyn, JJ., concur.

I, Richard W. Neal, Deputy Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 17 day of March 1966

Richard W. Neal  
Deputy Clerk, Supreme Court of Alabama

THE STATE OF ALABAMA  
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the \_\_\_\_\_  
\_\_\_\_\_ 11th day of September, 1963 Monday in \_\_\_\_\_, 1963, in a cer-  
tain cause in said Court wherein \_\_\_\_\_ J.L. Jeter \_\_\_\_\_

\_\_\_\_\_ Plaintiff, and \_\_\_\_\_ Riley Hayles \_\_\_\_\_  
\_\_\_\_\_ Defendant, a judgement was rendered against said  
\_\_\_\_\_ Riley Hayles \_\_\_\_\_  
to reverse which \_\_\_\_\_ Judgment \_\_\_\_\_, the said \_\_\_\_\_ Riley Hayles \_\_\_\_\_

\_\_\_\_\_ applied for and obtained from this office an APPEAL, returnable to the \_\_\_\_\_ next \_\_\_\_\_  
Term of our \_\_\_\_\_ Supreme \_\_\_\_\_ Court of the State of Alabama, to be held at Montgomery, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 1963 next, and the necessary bond  
having been given by the said \_\_\_\_\_ Riley Hayles \_\_\_\_\_  
\_\_\_\_\_ with \_\_\_\_\_ Dallas Taylor and J.O. Hayles \_\_\_\_\_, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said \_\_\_\_\_ J.L. Jeter \_\_\_\_\_  
\_\_\_\_\_ or \_\_\_\_\_ Tolbert M. Brantley \_\_\_\_\_  
\_\_\_\_\_, attorney, to appear at the \_\_\_\_\_ next \_\_\_\_\_ Term of our  
said Supreme Court, to defend against the said Appeal, if \_\_\_\_\_ they \_\_\_\_\_ think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this \_\_\_\_\_ 13th  
day of \_\_\_\_\_ December \_\_\_\_\_, A. D., 1963 \_\_\_\_\_

Attest:

\_\_\_\_\_  
\_\_\_\_\_, Clerk.

Received 13 day of Dec 1963

and on 17 day of Dec 1963

I served a copy of the within

on Robert Brantley

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. D. Wilkins D. S.

Om

4895

**CIRCUIT COURT**  
**Baldwin County, Alabama**

J. L. JETER

Vs. { Citation in Appeal

RILEY HAYLES

Issued 13th day of Dec., 1963

## CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

## SYMBOLS

DL=Day Letter

NL=Night Letter

LT=International  
Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

MEA150

A PNA335 PD=PENSACOLA FLO 11 330P CST=

JUDGE HUBERT HALL=

CIRCUIT JUDGE BAYMINETTE ALA=

J L JETER HAS BEEN SICK AND WILL BE UNABLE TO ATTEND COURT  
AS SCHEDULED TOMORROW MARCH 12 1963 PLEASE POSTPONE TRIAL  
TEN TO FOURTEEN DAYS=

RUDOLPH ORGUSSAR MD 134 MINTZ LANE CANTONMENT FLO=..

JURY LIST - FALL SESSION - SEPTEMBER 9, 1963

1. Koch, William, Ideal Cement cost Controller, Spanish Ft.
2. Cooper, John L., Laborer, Bay Minette
3. Cox, Y.A., Jr., Farmer, Stockton
4. Garrett, Malcolm, Farmer, Belforest
5. Gates, Carl B., Farmer, Robertsedale
6. Gee, Luther, State Employee, Bay Minette
7. Hall, John, Sr., Carpenter, Loxley
8. Hayles, J. Otis, Farmer, Perdido
9. Hodge, Langston, Chemist, Bay Minette
10. Helms, Kenneth B., Civil Service, Elberta
11. Hinterlighter, Daniel G., Clerk, Bay Minette
12. Hoffman, Winfred C., Gov't Emp., Bay Minette
13. Landcaster, Eartis, Paperwood, Robertsedale
14. Larson, Arthur, Farmer, Rosinton
15. Lipscomb, Frederick A., Farmer, Mag. Spgs.
16. Little, Bernie, Mechanic, Bay Minette
17. Long, Fred, Brookley Field, Fairhope
18. Lowery, Robert, Dairyman, Fairhope
19. Mascaro, Edward, Corp. Secretary, Spanish Fort,
20. Mason, Arnold K., Farmer, Mag. Spgs.
21. McKenzie, J.D., Farmer, Robertsedale
22. Page, Glenn A., Jr., Ins., Bay Minette
23. Urbanch, Robert C., Brookley Field, Fairhope
24. Weeks, Ellis, Laborer, Mag. Spgs.
25. Wilcox, Roy E., Trk. Driver, Elberta
26. Kaiser, Paul, Jr., Farmer, Gulf Shores
27. Allegri, Angelo, Carpenter, Fairhope
28. Armstrong, William, Civil Service, Elberta
29. Baker, Lewis E., Foley Fert. Co., Foley
30. Barnhill, Charles W., Oil Dealer, Robertsedale
31. Bell, Bill, Brookley Field, Rosinton
32. Blackwell, Earl, Merchant, Foley
33. Boeschen, Arthur, Farmer, Bay Minette
34. Boone, DeWitt, Ideal Cement Cost Controller, Spanish Ft.
35. Bryant, Roy Woolf, Farmer, Bay Minette
36. Bryars, Charles Henry, Jr., Farmer, Stockton
37. Buck, Eddie, Shipyard, Robertsedale
38. Chafin, J. Horace, Trk. Driver, Perdido
39. Chesnick, Joe, Farmer, Robertsedale
40. Childress, Kenneth, Barber, Foley
41. Childress, Rube, Farmer, Loxley
42. Cocks, James, Jeweler, Fairhope
43. Conway, James, Mobile Construction, Daphne
44. Lipscomb, Ira, Farmer, Mag. Spgs.
45. Inge, McKinley, Clerk, Bay Minette
46. Smith, Samuel, Sr., Brookley Field, Daphne
47. Stephens, W. Henry, Millman, Stockton
48. Styron, Theo, Farmer, Foley

P XXXXX XXXX

D XXXXX XXX

48  
 2  
 46  
 19  
 34  
 19  
 22  
 4  
 18  
 48  
 42  
 24  
 18

DIV. NO. \_\_\_\_\_

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 4895

THE STATE OF ALABAMA

Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to \_\_\_\_\_, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein \_\_\_\_\_

J.L. JETER  
was plaintiff, and RILEY HAYLES

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said Riley Hayles did on the 5th day of December, 1963, pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with ~~Jesse Hayles~~ Riley Hayles, Dallas Taylor and J.D. Hayles as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 6th day of December, 1963

Alice J. Duck  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

*Prestwood and Prestwood*  
ATTORNEYS AT LAW  
*Andalusia, Alabama*

JAMES M. PRESTWOOD  
ROGER A. PRESTWOOD  
HUGH L. PRESTWOOD

September 29, 1961

PRESTWOOD BUILDING  
TELEPHONE CA 2-1151

Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

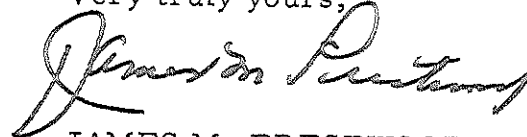
Dear Sir:

Re: J. L. Jeter vs. Riley Hales

Please file the enclosed summons and complaint in this case, together with the interrogatories which should be served on the defendant at the time the summons and complaint is served.

A stamped envelope is enclosed for your convenience in advising the date of service.

Very truly yours,

  
JAMES M. PRESTWOOD

JMP:aw  
Enclosures