JIM KING, Plaintiff.	*	
-VS-	:	CIRCUIT COURT:BALDWIN COUNTY.
EARLE HALL AND BENNETT HALL, as partners under the name and style of HALL BROS TAXI CO.,and EARLE HALL AND BENNETT HALL,individually, Defendants.	: *	

1 Plaintiff claims of defendants $500.oo,as damages,for that on to-wit November 28th 1915, and more than one half hour after sunset on that date, while Plaintiff, with his wife and child, was driving along a public highway in Baldwin County, Alabama, in a vehicale drawn by a horse, a servant, agent or employee of defendant, whose name is to Plaintiff unknown, but who was then and there operating or driving defendants automobile on said highway, and in so doing, was acting within the scope of his duties or employment, so negligently operated said automobile as to bring about a collision between said automobile and the vehicle in which Plaintiff was driving, and as a proximate consequence of said collision, Plaintiffs suffered great injuries and damage, viz: Plaintiff was severely and painfully hurt; was rendered sick and sore; suffered great physical pain and mental anguish; His ankle was so badly sprained that he was unable towalk for a long time, to-wit, one week, without suffering great pain; He was for a long time unable to work and earn the daily wages upon which he alleges he is dependant for support; His wife was bruised and badly frightened and injured to such an extent that she was unable to perform her regular house-hold duties and Plaintiff suffered inconvenience and expenses in procuring the performance of such duties; The vehicle in which Plaintiff was driving was almost completely wrecked and was rendered entirely useless without being repaired at a large expense; And Plaintiff suffered other expenses in removing his wife and child to his home, and great inconvenience and hardship in having to walk back home himself, a distance of to-wit 10 miles. All to his damage as aforesaid. Hence this suit.

2 For second count plaintiff reiterates all the allegations and averments of Count numbered 1 hereof down to and including the words "was acting within the scope of his duties or employment" and adds thereto the following:

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Negligently ran or caused to be run the said automobile upon or against plaintiff,or the vehicle in which plaintiff was driving,and as a proximate consequence of which plaintiff suffered the injuries and damages set forth in Count numbered 1 hereof, wherefore plaintiff sues.

3 For third count plaintiff reiterates all the allegations and averments of Count numbered 1 hereof,down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Operated or drove said automobile upon said highway without displaying thereon lights as required by the laws of this State ,as a proximate consequence of which the said automobile collided with the vehicle in which plaintiff was driving and inflicted upon plaintiff the injuries and damages set forth in count numbered 1 hereof. Wherefore this suit.

4 For fourth count plaintiff reiterates all the allegations and averments of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following :

Operated or drove said automobile upon said highway without being provided with brakes sufficient to control said automobile as required by the laws of this State ,as a proximate consequence of which said automobile collided with the vehicle in which plaintiff was driving and inflicted upon the plaintiff the injuries and damages set forth in count numbered 1 hereof. Wherefore this suit.

5 For fifth count plaintiff reiterates all the allegations and averments of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Operated or drove said automobile upon said highway without being provided with a bell,horn or other device for signaling ,as required by the laws of this State,as a proximate consequence of which the said automobile collided with the vehicle in which plaintiff was driving and inflicted upon plaintiff the injuries and damages set forth in Count numbered 1 hereof. Wherefore this suit.

6 For sixth count plaintiff reiterates all the allegations and averments of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Met plaintiff driving in his said vehicle and did not reasonably turn the said automobile to the right of the centre of such highway so as to pass without interfering ,as a proximate consequence of which the said automobile collided with plaintiff ,or the buggy in which he was driving,thereby inflicting upon the plaintiff the injuries and damages set forth in count numbered 1 hereof. Wherefore this suit.

7 For seventh count plaintiff reiterates all the allegations and averments ~~of~~ of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Overtook plaintiff driving in his said vehicle and did not pass on the left side of plaintiff's vehicle so as to allow plaintiff free passage,as a proximate consequence of which the said automobile collided with plaintiff ,or the buggy in which the plaintiff was driving,thereby inflicting upon plaintiff the injuries and damages set forth in count numbered 1 hereof. Wherefore this suit.

8___For eighth count plaintiff reiterates all the allegations and averments of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Operated or drove said automobile upon said highway at a rate of speed greater than was reasonable and proper ,having regard to the width, traffic and use of said highway, as a proximate consequence of which said automobile collided with plaintiff, or the buggy in which plaintiff was driving ,thereby inflicting upon plaintiff the injuries and damages set forth in count numbered 1 hereof, Wherefore this suit.

9___For ninth count plaintiff reiterates all the allegations and averments of count numbered 1 hereof, down to and including the words: "was acting within the scope of his duties or employment" and adds thereto the following:

Operated said automobile upon said public highway at such a rate of speed as to endanger the property,or the life, or limb of plaintiff,as a proximate consequence of which said automobile collided with plaintiff, or the buggy in which plaintiff was driving, thereby inflicting upon plaintiff the injuries and damages set forth in count numbered 1 hereof. Wherefore this suit.

10__For tenth count plaintiff reiterates all the allegations and averments of count numbered 1 ,except the following words thereof:

"A servant,agent or employee of defendant,whose name is to plaintiff unknown, but who was then and there operating or driving defendant's said automobile on said highway,and in so doing,was acting within the scope of his duties or employment",

and substitutes in lieu of the above quoted words the word: "defendant"

11__For eleventh count plaintiff reiterates all the allegations and averments of count numbered 1, except the following words thereof:

"A servant,agent or employee of defendant,whose name is to plaintiff unknown,but who was then and there operating or driving defendant's said automobile on said highway, and in doing so, was acting within the scope of his duties or employment",

and substitutes in lieu of the above quoted words the words:"defendant, Earl Hall,while acting for and in behalf of said partnership."

12__For twelfth count plaintiff reiterates all the allegations and averments of count numbered 1, except the following words thereof:

"A servant,agent or employee of defendant,whose name is to plaintiff unknown,but who was then and there operating or driving defendant's said automobile on said highway ,and in doing so, was acting within the scope of his duties or employment",

and substitutes in lieu ~~thxxx~~ of the above quoted words the words:"Defendant,Bennet Hall, while acting for and in behalf of said partnership."

Jerry Fred Hennelly McMillan Jones

ATTORNEYS FOR PLAINTIFF.

SUMMONS AND COMPLAINT

The State of Alabama } No.
Baldwin County

Circuit Court

April 4th, 1916

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon Earle Hall and Bennett Hall, as partners under the name and style of Hall Bros Taxi Co, and Earle Hall and Bennett Hall, individually,

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 them the Defendant's by Jim King

the Plaintiff

Witness my hand this 4th, day of April 1916.

T. O. Richmond Clerk.

COMPLAINT

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

Original

No.

STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT

Jim King

vs. Plaintiffs

Hall Taxi Co, Bennett Hall and Earle Hall, individually.

Defendants

SUMMONS AND COMPLAINT

Filed April 4th, 1916

D. W. Simmon Clerk

Defendant lives at

W. C. McCorvey Grayson

Plaintiff's Attorney

Defendant's Attorney

Times Print, Bay Minette

Received in office

April 4th, 1916.

Sheriff

I have executed this Writ

this 191

by leaving a copy of the within summons and complaint with

April 4th 1916

We, Accept due and legal service of the within summons and Complaint and waive further notice

Hall Bros Taxi Co

Earl Hall

Bennett Hall

By Leslie Hall

Atty for Defendant

Sheriff

Deputy Sheriff.

Jim King, Plaintiff. VS. Hall Brothers Taxi Company, Earl Hall and Bennet Hall, Defendants.	In The Circuit Court of Baldwin County, Alabama. Spring Term, 1916.

1. Now come the defendants and for answer to the plaintiff's complaint, and separately to each count thereof, say that they are not guilty of the matters and things therein complained of.

2. For further answer to each count of the complaint defendants say the plaintiff was himself guilty of negligence which proximately contributed to the injury and damages complained of in this, that the plaintiff was driving his team along the extreme left hand side of the road at the time he was struck and injured.

Hall & Brebe

Attorneys for Defendants.

JIM KING. PLAINTIFF.

-VS-

EARL HALL AND BENNETT HALL, as partners under the name and style of HALL BROS. TAXI CO., and EARL HALL AND BENNETT HALL, individually. DEFENDANTS.

CIRCUIT COURT: BALDWIN COUNTY.

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANTS, AND TO EACH OF THEM, UNDER SECTION 4049 ET SEQ OF THE CODE OF ALABAMA.

1. In what business is each of defendants engaged; in what business was each engaged on November 28th. 1915 and in what business were the individuals sued engaged as partners on said dates, and under what partnership name.

2. Were they not on said dates operating a taxi or automobile business as partners; if not as partners, was either of them so engaged and if so state which of them. Under what name was such business being operated and give the names of all the partners? When did such business commence; does it still exist; when did it terminate.

3. Who compose the Hall Bros. Taxi Co? Who composed it on November 28th. 1915? State the exact name under which the individuals sued, or either of them, was engaged in the Taxi or automobile business on November 28th, 1915; with whom he was associated in such business, and the nature of such business being conducted by them.

4. Who owned, and who had possession and control of the Taxi or automobile which collided with a vehicle drawn by a horse and being driven by plaintiff on November 28th. 1915? Give the names of all the persons in the taxi or automobile at the time, and state who was in the buggy with plaintiff. What individual was operating or driving the automobile or taxi? Was he not the chauffeur of the defendants, or some of them, and if so state for which of them he was such chauffeur. What contractural relations existed between said driver and the the defendant, or either of them? If he was the agent or employee, state the nature of such agency or employment and his duties thereunder.

5. Was not the said taxi or automobile being operated for defendants, or for their use, at the tome of said collision? For which of them was it being used and for what purpose? State fully what authority and control the defendants, or either of them, had over said taxi or automobile. Under what arrangemtnts with defendant was said car being operared or driven at the time? Who made such arrangements?

6. Please describe fully the manner in which the said collision occured and state the cause of said collision.

7. In what direction was plaintiff going when said collision occured and at what speed? In what direction was the taxi or automobile going and at what speed? At what time of day did the collision occur? Was it not more than one-half hour after sunset? At what place did it occur? Was it not on the public highway between Stockton and Bay Minette and in Baldwin County?

8. Please state exactly what lights were on the said automobile at the time. Did it have two lighted lamps on the front and one on the rear? Were not such lights defective? Is it not a fact that because of the defective condition of these lamps they would not stay lighted while the car was being operated? Is it not a fact that such lamps were not lighted at the time of the collision above referred to? Were the rays of the lamp on the automobile sufficient to enable the driver of the automobile to see a buggy ahead of him a sufficient time to stop said car at the rate of speed the automobile was being driven at the time, before striking or colliding with said buggy? What was the condition of the lamps on the automobile at the time of said collision?

9. What was the condition of the brakes on said automobile? Were they

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sufficient and was their condition such as to enable the driver to stop his automobile at the rate of speed he was going within the distance in which he could distinguish the buggy ahead of him before colliding with said buggy.

10. Was said automobule at the time provided with a bell,horn or other device for signaling; as a matter of fact what signals were given defendamt by the driver of the automobile,after discovering his proximity and danger? What was the distance between the automobile and the buggy, when the latter was discovered by the driver of the automobile?

11. Did the driver of said automobile ,after discovering the buggy ahead of him, turn to the right of the centre of such highway? Which side of said automobile,the right or the left,struck defendant's buggy ? Did it strike the right or the left side of said buggy, and on which side of the road was the buggy when struck?

B. F. McMillan & Grayson
ATTORNEYS FOR PLAINTIFF.

STATE OF ALABAMA.

COUNTY OF MOBILE.

Before me,Marie Huet, a notary public,in and for said State and County,personally appeared B.F.McMillan,Jr.,who being sworn says on oath that he is a member of the firm of McMillan & Grayson,attorneys for plaintiff in the case of Jim King, Plaintiff vs. Earl Hall and Bennett Hall,as partners under the name and style of Hall Bros. Taxi Company, and Earl Hall and Bennett Hall individually,defendants, pending in the Circuit Court of Baldwin County,Alabama; that as such attorney he has propounded the foregoing interrogatories to the defwndants,and to each of them, and that the answers thereto will be material testimony for the plaintiff in the trial of said cause.

B. F. McMillan Jr.

Sworn to and subscribed before
this 3rd. day of April, 1916.

Marie Huet.
NOTARY PUBLIC,MOBILE COUNTY,ALABAMA.

Original

Filed Apr 4/916
D.A. Wilcinson
Clerk.

Rec in office April 4th and Executed
April 5th 1916 By Serving a Copy
of the within ~~Summons and Complaint~~
on Earle Hall and Bennett Hall

C. E. Eubanks Sheriff
By O. B. Richerson, Dep