

DAVID FRENCH,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
-vs-	:	AT LAW
ALBERT DEAN KING and HERMAN	:	
LESTER BOYINGTON, jointly	:	
and severally,	:	CASE NUMBER 6856
Defendants.	:	

COUNT ONE

Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/HUNDREDTHS DOLLARS (\$100,000.00) as damages for that heretofore and on, to-wit, July 13, 1965, Plaintiff was a passenger in a motor vehicle traveling westwardly on Winn Road at a point approximately 7.6 miles north of Jackson, Alabama, and at a point where the said Winn Road was a public highway within Clarke County, Alabama, and Defendant Albert Dean King, an agent, servant or employee of Defendant Herman Lester Boyington, while acting in the line and scope of his employment as such, was driving a logging truck of said Defendant Herman Lester Boyington eastwardly on the said Winn Road, and at such time and place, Defendant Albert Dean King so negligently operated the said motor vehicle of Defendant Herman Lester Boyington as to cause or allow the same to get out of control and to completely block the eastward and westward lane of the said Winn Road and to cause the automobile in which Plaintiff was riding as a passenger to collide with it. Plaintiff avers that as a direct and proximate consequence and result of the negligence of the Defendant Herman Lester Boyington acting by and through his agent, servant or employee, Defendant Albert Dean King, while acting within the line and scope of his employment as such, Plaintiff suffered a severe cerebral concussion, an injury to his spinal cord paralyzing his arms and legs, was caused to be hospitalized for a long period of time and to incur great medical, hospital and nursing obligations for his treatment, and will likely in the

future incur further such hospital and nursing obligations; he has been caused to lose time from his employment and will likely in the future be permanently paralyzed in all four limbs and unable to be employed again and he will likely be left in the future without any use of his arms and legs; he has suffered great pain and mental anguish and will likely in the future suffer further great pain and mental anguish; all to the Plaintiff's damage in the amount aforesaid.


WHEREFORE, this suit.

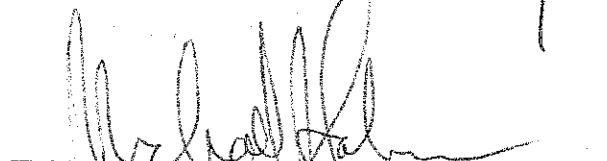
COUNT TWO

Plaintiff claims of the Defendants the sum of ONE HUNDRED THOUSAND AND NO/HUNDREDTHS DOLLARS (\$100,000.00) as damages for that heretofore and on, to-wit, July 13, 1965, Plaintiff was a passenger in a motor vehicle traveling westwardly on Winn Road at a point approximately 7.6 miles north of Jackson, Alabama, and at a point where the said Winn Road was a public highway within Clarke County, Alabama, and Defendant Albert Dean King, an agent, servant or employee of Defendant Herman Lester Boyington, while acting in the line and scope of his employment as such, was driving a logging truck of said Defendant Herman Lester Boyington eastwardly on the said Winn Road, and at such time and place Defendant Albert Dean King willfully or wantonly injured Plaintiff by willfully or wantonly causing the said motor vehicle of Defendant Herman Lester Boyington to get out of control and to completely block the eastward and westward lane of the said Winn Road and to cause the automobile in which Plaintiff was riding as a passenger to collide with it. Plaintiff's willful or wanton injuries consisted in the following: He suffered a severe crebral concussion, an injury to his spinal cord paralyzing his arms and legs, was caused to be hospitalized for a long period of time and to incur great medical, hospital and nursing obligations for his

treatment, and will likely in the future incur further such hospital and nursing obligations, has been caused to lose time from his employment and will likely in the future be permanently paralyzed in all four limbs and unable to be employed again, will likely be left in the future without any use of his arms and legs; he has suffered great pain and mental anguish and will likely in the future suffer further great pain and mental anguish; all to the Plaintiff's damage in the amount aforesaid.

WHEREFORE, this suit.


ERNEST M. BAILEY


MICHAEL J. SALMON

Attorneys for the Plaintiff

Plaintiff respectfully demands trial by jury.


ERNEST M. BAILEY


MICHAEL J. SALMON

Attorneys for the Plaintiff

Defendants may be served at:

Albert Dean King
Route 1
Jackson, Alabama

Herman Lester Boyington
1805 North Hand Avenue
Bay Minette, Alabama

FILED
SEP 9 1938
AUG 1 1938, CLERK
REGISTER

DAVID FRENCH,

Plaintiff,

Vs.

ALBERT DEAN KING and
HERMAN LESTER BOYINGTON,
jointly and severally,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant, Herman Lester Boyington, and demurs to the Plaintiff's Complaint and each count thereof, separately and severally, and for grounds therefor, says as follows:

1.

That the Complaint fails to state a cause of action.

WILTERS & BRANTLEY

BY:

William M Brantley
Attorney for the Defendant,
Herman Lester Boyington

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1 day of March 1966, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS, BRANTLEY

By:

William M Brantley

FILED
MAR 2 1966
ALICE L. BUCK, CLERK
RECORDED

DAVID FRENCH,	)	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	:	
vs.	)	AT LAW
	:	
ALBERT DEAN KING and HERMAN)	
LESTER BOYINGTON, jointly	:	
and severally,)	
	:	
Defendants.	)	CASE NO. 6856

DEMURRER

Comes now ALBERT DEAN KING, one of the Defendants in the above styled cause, and demurs to the complaint heretofore filed herein, and to each count thereof, separately and severally, and for grounds of demurrer sets down and assigns, separately and severally as follows:

1. That it does not state facts sufficient to constitute a cause of action against this Defendant.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this Defendant with sufficient certainty against what act or acts of negligence Defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, this Defendant may have owed to the Plaintiff.
5. For that it does not appear with sufficient certainty wherein this Defendant violated any duty owed by Defendant to the Plaintiff.
6. For that it does not sufficiently appear that this Defendant owed any duty to the Plaintiff which Defendant negligently failed to perform.

alleged wanton act consisted, and the facts so set out do not show wantonness.

VICKERS, RILIS, MURRAY AND CURRAN

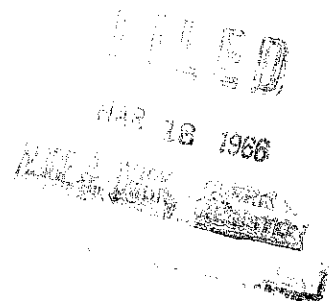
BY Marion R. Vickers Jr.

Attorneys for Defendant, Albert
Dean King

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17th
day of March, 1966, served a copy of the
foregoing pleading on counsel for all parties to this
proceeding by mailing the same by United States mail,
properly addressed, and first class postage prepaid.

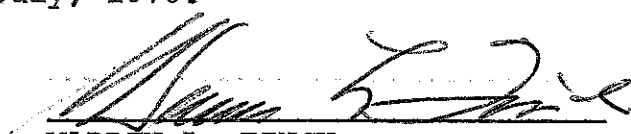
Marion R. Vickers Jr.



DAVID FRENCH) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY,
VS.) ALABAMA
ALBERT DEAN KING, and) AT LAW
HERMAN LESTER BOYINGTON)
Defendants) CASE NO. 6856

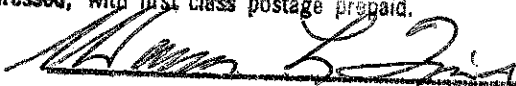
Now comes David French and gives notice of appeal from
the judgment of the Circuit Court of Baldwin County,
Alabama, at law, rendered in said cause on the 26th day of
January, 1970.

Dated this 23rd day of July, 1970.


WARREN L. FINCH
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 23 day of July
1970, served a copy of the foregoing pleading in counsel for all
parties to this proceeding by mailing the same by United States
Mail, properly addressed, with first class postage prepaid.



FILED

JUL 23 1970

ALICE J. DUCK CLERK
REGISTER

DAVID FRENCH	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
VS.	)	AT LAW
ALBERT DEAN KING, and HERMAN)	
LESTER BOYINGTON,)	
Defendants	)	CASE NO. <u>6856</u>

We, the undersigned, hereby acknowledge ourselves security for all costs of appeal to the Supreme Court of Alabama, from the decree rendered in the above entitled cause on the 26 day of Jan, 1970; and hereby agree to pay all such costs, (And for the payment of this bond, we hereby waive our right of exemption to personal property under the Constitution and Laws of the State of Alabama.

Witness our hands and seals, this the 23 day of July, 1970.

David French (L.S.)
Hannie B. French (L.S.)
Warren French (L.S.)
Wilbur French (L.S.)

Taken and approved this 23 day of July, 1970.

Alice J. Quick
 Register Clerk

FILED

JUL 23 1970

ALICE J. QUICK REGISTER CLERK

Daniel French vs. Alberto Ruiz

JURY LIST - NOVEMBER TERM, BALDWIN COUNTY, ALABAMA - NOV. 10, 1969

- ~~1. Anderson, Mildred Bay Minette~~
- ~~2. Barnhill, Roger, Farmer, Loxley~~
3. Berglin, Lavine, Jr., Salesman, Fairhope
- ~~4. Beyer, Charles Henry, Jr., Farmer, Stockton~~
- ~~5. Campbell, A.C., Jr., Farmer, Rosinton~~
- ~~6. Clark, H. L., Brookley Field, Bay Minette~~
- ~~7. Genrou, Al E., Brookley Field, Fairhope~~
- ~~8. Crane, James A., Millman, Stockton~~
- ~~9. Dickman, Joe, P. O. Emp., Bay Minette~~
- ~~10. Early, L. J., Timber & Lumber, Foley~~
11. Flowers, John B., Farmer, Bon Secour
12. Garner, Carey, Merchant, Fairhope
13. Griffith, Jack, Shipyard, Fairhope
- ~~14. Gwaltney, John L., Farmer, Robertsdale~~
- ~~15. Harvanch, Mary Jean, Fairhope~~
16. Hauge, Ralph O., Clerk, Silverhill
- ~~17. Heil, William, Farmer, Eiberta~~
- ~~18. Hendersdorf, Margaret B., Fairhope~~
19. Henry, Lorraine T., Fairhope
- ~~20. Hester, Mary G., Fairhope~~
- ~~21. Jansen, Evelyn A., Fairhope~~
- ~~22. Jenkins, William Robert, Farmer, Stapleton~~
23. Johnson, Coy L., Laborer, Bay Minette
- ~~24. Jones, Dolphus S., Farmer, Lottie~~
- ~~25. Keldorfer, William E., County Emp., Eiberta~~
- ~~26. Kesh, William, Ideal Cement Cost Control Art Center, Spanish Fort~~
- ~~27. Landcaster, Eavis, Paperwood, Robertsdale - moved~~
- ~~28. Landcaster, Jack, Farmer, Robertsdale~~
- ~~29. Leatherwood, P. M., Clerk, Daphne - moved~~
- ~~30. Lee, Charlie, Sr., Retired, Daphne~~
31. Long, Lee, Rabun
- ~~32. Maury, Louise P., Fairhope~~
- ~~33. McClain, Cecil E., Elco. Co., Robertsdale~~
34. McDade, Adelaide, Dodd, Fairhope
- ~~35. McDonald, Denise, Fairhope~~
36. McGill, Raben, E., Fairhope
- ~~37. McLeod, George, State Emp., Gulf Shores~~
38. McMillan, Raymond N., Farmer, Stockton
- ~~39. Mikkelsen, Robert, Savings & Loan, Robertsdale~~
- ~~40. Neul, Harold, Ponder Co., Fairhope~~
- ~~41. Overstreet, Layton J., Fairhope~~
42. Patterson, Miller, Jr., Fairhope
- ~~43. Patton, William L., Jr., Fairhope~~
- ~~44. Parker, Sim M., Farmer, Bon Secour~~
- ~~45. Payne, Epter J., Sr., Fairhope~~
- ~~46. Philipps, Hazel L., Blacksher~~
- ~~47. Phillips, Martha L., Blacksher~~
- ~~48. Richard, Thomas M., Fairhope~~
- ~~49. Sirmon, Arthur, Farmer, Belforest~~
- ~~50. Spader, Aubrey, Office, Robertsdale~~
51. Steele, Ira, Mail Clerk, Fairhope
- ~~52. Stajskal, George, Contractor, Fairhope~~
- ~~53. Stewart, Aubrey L., Farmer, Rabon~~
- ~~54. Stryan, Theo, Farmer, Foley~~
55. Sweat, C. D., Real Estate, Robertsdale
- ~~56. Thomas, Tom, Bacon McMillan, Bay Minette~~
- ~~57. Walker, William, Unlabeled Boat Capt., Orange Beach~~
- ~~58. Walton, Grady L., Farmer, Stockton~~
- ~~59. Welch, Oscar G., Madras, Mag. Spgs.~~
- ~~60. Young, Elijah, Sr., Newport Industry, Bay Minette~~

P XXXXX XXXXX

D XXXXX XXXXX

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THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE COURT OF CIVIL APPEALS OF ALABAMA

October Term 1970-71

1 Div. No. 33

David French

Appellant

v.

Albert Dean King and Herman Lester Boyington

Appellee

On appeal from Baldwin Circuit Court

To the Clerk ~~Register~~ of the foregoing stated Court, Greeting:

Whereas, the record and proceedings of the Court below, in the above cause, were brought before the Court of Civil Appeals by appeal taken pursuant to law,

Now, it is hereby certified that upon consideration thereof the Court of Civil Appeals of Alabama, on the 20th day of November, 19 70, dismissed said appeal on motion
of appellee

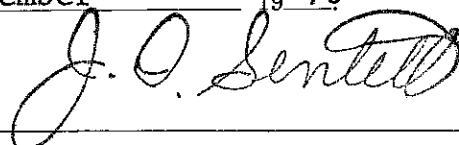
and ordered that appellant David French

and Dannie B. French, Warren L. Finch and Wilson Hayes

sureties for the costs of appeal, pay the costs of appeal in this Court and in the Court below ,
for which costs let execution issue.

~~- And it appearing that said parties have waived their rights of exemption under the laws of~~
~~- Alabama, it was ordered that execution issue accordingly.~~

Witness, J. O. Sentell, Clerk of the Court of Civil Appeals of Alabama, at the Judicial Department Building, this the 20th day of November 19 70



Clerk of the Court of Civil Appeals of Alabama.

THE COURT OF CIVIL APPEALS
OF ALABAMA

October Term, 19 70-71

1 Div., No. 33

David French

Appellant,

v.

Albert Dean King and

Herman Lester Boyington

Appellee.

From Baldwin Circuit Court.

No. 6856

CERTIFICATE OF DISMISSAL

The State of Alabama, }
County. } Filed

FILED

this day of NOV 20 1970, 19

ALICE J. DICK CLERK
REGISTER

Allice J. Dick

BROWN PRINTING CO., MONTGOMERY

DAVID FRENCH,	)	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	:	
VS.)	
	:	
ALBERT DEAN KING and HERMAN	)	AT LAW
LESTER BOYINGTON, jointly	:	
and severally,)	
	:	
Defendants.	)	CASE NUMBER 6856

AMENDED ANSWER

Comes now ALBERT DEAN KING, one of the defendants in the above styled case and for answer to the complaint heretofore filed in said cause, and to each count thereof separately and severally, says separately and severally as follows:

1. Not guilty;
2. The matters alleged in the complaint are untrue;
3. At the time and place complained of, the plaintiff was engaged in a joint adventure or enterprise with B. R. KIDD, his brother-in-law, who was then and there operating the motor vehicle in which the plaintiff was riding, in that the plaintiff and B. R. KIDD were making a trip from Prichard, Alabama, to Winn, Alabama, to visit a sick relative, i.e., B. R. KIDD'S mother, who was also DAVID FRENCH'S mother-in-law; and defendant further avers that said trip was for the joint and common purpose of plaintiff and B. R. KIDD and that each of them had the right to direct and govern the movements and conduct of the other with respect to the operation of the said motor vehicle in which they were making the trip.

VICKERS, RIIS, MURRAY AND CURRAN

Filed: November 5, 1969, BY Marion R. Vickers
 Jeffery J. Marshall
 Attorneys for Defendants
 Judge

FILED

NOV 5 1969

ALICE J. DUCK CLERK REGISTER

DAVID FRENCH,	)	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	:	
VS.)	
	:	
ALBERT DEAN KING and HERMAN	)	AT LAW
LESTER BOYINGTON, jointly	:	
and severally,)	
	:	
Defendants.	)	CASE NUMBER 6856

AMENDED ANSWER

Comes now HERMAN LESTER BOYINGTON, one of the defendants in the above styled case and for answer to the complaint heretofore filed in said cause, and to each count thereof separately and severally, says separately and severally as follows:

1. Not guilty;
2. The matters alleged in the complaint are untrue;
3. At the time and place complained of, the plaintiff was engaged in a joint adventure or enterprise with B. R. KIDD, his brother-in-law, who was then and there operating the motor vehicle in which the plaintiff was riding, in that the plaintiff and B. R. KIDD were making a trip from Prichard, Alabama, to Winn, Alabama, to visit a sick relative, i.e., B. R. KIDD'S mother, who was also DAVID FRENCH'S mother-in-law; and defendant further avers that said trip was for the joint and common purpose of plaintiff and B. R. KIDD and that each of them had the right to direct and govern the movements and conduct of the other with respect to the operation of the said motor vehicle in which they were making the trip.

VICKERS, RIIS, MURRAY AND CURRAN

Filed, November 5, 1969. BY Marion R. Vickers **FILED**
Attorneys for Defendants NOV 5 1969
J. Fair & Marion
J. Vickers VOL 62 PAGE 466
ALICE J. DUCK CLERK REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th
day of Nov., 1969, served a copy of the
foregoing pleading on counsel for all parties to this
proceeding by mailing the same by United States mail,
properly addressed, and first class postage prepaid.

Marion R. Vickus

FILED
NOV 5 1969
ALICE J. DUCK CLERK
REGISTER

DAVID FRENCH,	:	IN THE CIRCUIT COURT OF
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
v.	:	AT LAW
ALBERT DEAN KING and HERMAN	:	CASE NO. 6856
LESTER BOYINGTON, jointly	:	
and severally,	:	
Defendants.	:	

A N S W E R

Come now the defendants in the above styled cause, separately and severally, and for answer to the complaint heretofore filed in said cause, and to each count thereof, separately and severally, say, separately and severally, as follows:

1. Not guilty.

2. The matters alleged in the complaint are untrue.

3. At the time and place complained of, the plaintiff was engaged in a joint enterprise with B. R. Kidd, who was then and there operating the motor vehicle in which the plaintiff was riding, in that the plaintiff and B. R. Kidd were making a trip in said motor vehicle for their common and joint purpose, so that plaintiff had equal control over the operation of said motor vehicle, and the said B. R. Kidd did then and there so negligently operate said motor vehicle as to proximately contribute to the injuries and damages complained of, wherefore plaintiff ought not to recover.

VICKERS, RIIS, MURRAY & CURRAN

By Marion R. Vickery
Attorneys for Defendants.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 16th day of Aug, 1966, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Marion R. Vickery

FILED

8-17 1966

FILED IN CLERK'S REGISTER

VOL

62 PAGE 461

DAVID FRENCH,

PLAINTIFF,

VS

ALBERT DEAN KING AND HERMAN
LESTER BOYINGTON, JOINTLY
AND SEVERALLY,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 6856

DEMURRER:

COMES NOW THE PLAINTIFF AND DEMURS TO THE ANSWER NUMBERED
THREE OF THE DEFENDANT HERETOFORE FILED, AND AS GROUNDS THEREFOR
SETS FORTH AND ASSIGNS THE FOLLOWING:

1. FOR THAT THE SAME FAILS TO SET FORTH A DEFENSE.
2. FOR THAT THE SAME CONSISTS OF THE CONCLUSIONS OF THE
PLEADER AND NO FACTS ARE ALLEGED IN SUPPORT THEREOF.
3. FOR THAT THE SAME FAILS TO SET OUT WITH SUFFICIENT
PARTICULARITY WHAT ACTS IT IS ALLEGED THAT PLAINTIFF COMMITTED
OR OMITTED PROXIMATELY CONTRIBUTING TO THE DAMAGES COMPLAINED OF.

MICHAEL J. SALMON
ERNEST M. BAILEY

By: Ernest M. Bailey
ONE OF THE ATTORNEYS FOR THE
PLAINTIFF

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE ON THIS
30 DAY OF Sept, 1969, SERVED A
COPY OF THE FOREGOING DEMURRER ON COUNSEL FOR
ALL PARTIES TO THIS PROCEEDING BY MAILING THE
SAME BY UNITED STATES MAIL, PROPERLY ADDRESSED,
AND FIRST CLASS POSTAGE PREPAID.

NOV 5 1969

ALICE J. DUCK CLERK
REGISTER

VOL

62 PAGE 462

ALICE J. DUCK CLERK
REGISTER

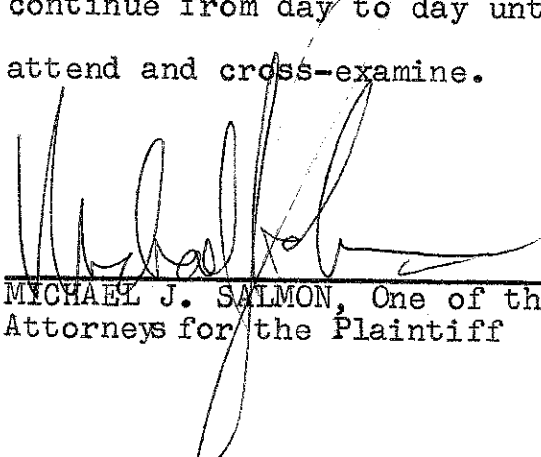
OCT 1 1969

DAVID FRENCH, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
-vs- : AT LAW
ALBERT DEAN KING and HERMAN :
LESTER BOYINGTON, jointly :
and severally, : CASE NUMBER 6856
Defendants. :

TO: Mr. Tolbert Brantley
Post Office Box 968
Bay Minette, Alabama

Mr. Marion Vickers, Jr.
Post Office Box 990
Mobile, Alabama

Please take notice that on Friday, October 17, 1969, at 2:00 p.m. in the Conference Room of the International Trade Center, Mobile, Alabama, the Plaintiff will take the deposition of Mr. Albert Dean King upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designated as Act No. 375, Regular Session 1955, approved September 8, 1955, before Mrs. Dorothy Leamy, an officer authorized to administer oath in the County of Mobile, State of Alabama, duly authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed, and you are invited to attend and cross-examine.


MICHAEL J. SALMON, One of the
Attorneys for the Plaintiff

cc: Honorable Alice Duck

FILED

OCT 8 1969

ALICE J. DUCK CLERK
REGISTER

VICKERS, RIIS, MURRAY AND CURRAN

ATTORNEYS AT LAW

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MARION R. VICKERS
ERLING RIIS, JR.
J. MANSON MURRAY
EDWIN J. CURRAN, JR.
MARION R. VICKERS, JR.

March 17, 1966

MAILING ADDRESS:
P. O. BOX 990-3660
PHONE 432-9772

Mrs. Alice Duck
Clerk
Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: Case No. 6853 - B. R. Kidd vs Albert Dean
King and Herman Lester Boyington;
Case No. 6854 - Lorraine Burns vs Albert Dean
King and Herman Lester Boyington;
Case No. 6855 - Exie Dean Thomas vs Albert
Dean King and Herman Lester Boyington;
Case No. 6856 - David French vs Albert Dean
King and Herman Lester Boyington

Dear Mrs. Duck:

We are enclosing herewith demurrers in each of
the above styled cases. We would greatly appreciate it if
you would see that these are filed.

Yours very truly,

VICKERS, RIIS, MURRAY AND CURRAN

Marion R. Vickers, Jr.
Marion R. Vickers, Jr.

MRV/bm

Encl.

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 26th
January, 1970 Monday in, 19....., in a cer-
tain cause in said Court wherein DAVID FRENCH
..... Plaintiff, and ALBERT DEAN KING & HERMAN LESTER BOYINGTON
..... were Defendant, a judgement was rendered against said
Defendants
to reverse which Judgment, the said David French, Plaintiff,
.....
.....
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, 19..... next, and the necessary bond
having been given by the said David French, Dannie B. French, Warren L. Finch and
..... with Wilson Hayes sureties,

Now, You Are Hereby Commanded, without delay, to cite the said
Albert Dean King and Herman Lester Boyington
..... or Wilkerson & 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 23rd
day of July, A. D., 19..70..

Attest:

Alice J. Duck, Clerk.

*I solemnly swear, att. for H.L. Boyington
and Albert Dean King, on this the 27th day of July 1970 before me
of this Court of appeal.*

CASE NO. 6856

CIRCUIT COURT
Baldwin County, Alabama

DAVID FRENCH

Vs. { Citation in Appeal

ALBERT DEAN KING &
HERMAN LESTER BOYINGTON,

Issued _____ day of _____, 19____

SERVE: Tolbert M. Brantley

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 6856

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Albert Dean King and Herman Lester Boyington, severally and jointly.....

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.....

Albert Dean King and Herman Lester Boyington, jointly and severally Defendant.....

by David French.....

....., Plaintiff.....

Witness my hand this.....9.....day of.....Feb..... 19...66..

David French, Clerk

Exp: 2-11-66

VOL

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No. 6856.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

DAVID FRENCH

Plaintiffs

vs.

ALBERT DEAN KING and
HERMAN LESTER BOYINGTON

Defendants

SUMMONS AND COMPLAINT

Filed ~~XXXXXXX~~
2-9-66 19.....

Alice J. Duck Clerk

THE SHERIFF CLAIMS 10

MILES AT 10¢ PER MILE FOR

A TOTAL OF \$ 1.00

H. D. Paul, Sheriff

E. Bailey

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received in Office

FEB 9 1966 19.....

TAYLOR WILKINS, Sheriff

SHERIFF
I have executed this summons

this 2-11 1966

by leaving a copy with

Herman Lester Boyington

Executed by serving copy of within on

Albert Dean King
Name
This the 16 day of Feb. 1966

H. D. Paul, Sheriff
By W. H. Knight, D. S.

Taylor Wilkins, Sheriff
W. H. Knight, Deputy Sheriff

on 1

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 6856

THE STATE OF ALABAMA

BALDWIN County.

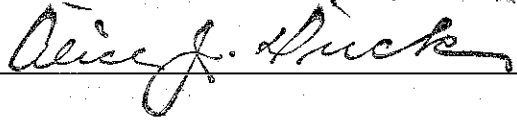
I, ALICE J. DUCK, Clerk of the Circuit Court of BALDWIN County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein DAVID FRENCH

was plaintiff, and ALBERT DEAN KING & HERMAN LESTER BOYINGTON,

~~were~~ Defendants, as fully and completely as the same appears of record in said Court.

And I further certify that the said David French did on the 23rd day of July, 1970, 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 David French, Dannie B. French, Warren L. Finch & Wilson Hayes 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 23rd day of July, 19 70


Clerk of the Circuit Court of
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

(Damages)