

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

KNOW ALL MEN BY THESE PRESENTS that we, Lee F. King, as principal, and Royal Indemnity Company, a corporation, as surety, are held and firmly bound unto C. W. Kneeland in the sum of Five Hundred & 00/100 Dollars: (\$500.00), lawful money of the United States, to be paid to the said C. W. Kneeland, his certain attorneys, heirs, executors, administrators and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

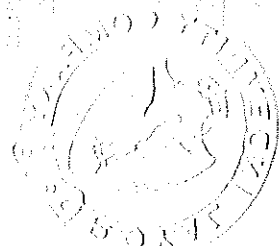
The condition of the above obligation is such that, whereas the above bounden Lee F. King on the day of the date hereof, filed his petition in the Circuit Court of Baldwin County, Alabama, Law Side, praying for the removal to the District Court of United States for the Southern Division of the Southern District of Alabama, of the certain suit pending in the said Circuit Court of Baldwin County, Alabama, wherein said C. W. Kneeland is plaintiff and said Lee F. King is defendant, and praying further that all proceedings in said suit be stayed in said Circuit Court of Baldwin County, Alabama.

Now, therefore, if the said Lee F. King shall enter in the District Court of United States for the Southern Division of the Southern District of Alabama, within 30 days from the date of filing said petition for the removal, a certified copy of the record in said suit of C. W. Kneeland vs. said Lee F. King pending in said Circuit Court of Baldwin County, Alabama, and shall pay all costs that may be awarded by said District Court of United States for the Southern Division of the Southern District of Alabama, if said District Court shall hold that such suit was wrongfully or improperly removed thereto, then this obligation shall be void, otherwise the same shall be and remain of full force and effect.

RV

As his Attorney of Record.

Filed Jan. 4th 1935
W. A. Stone
Clerk.



C. W. KNEELAND,

Plaintiff,

VS.

LEE F. KING,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the Plaintiff and demurs to the Defendant's petition for the removal of the above cause to the District Court of the United States for the Southern Division of the Southern District of Alabama, and to each count thereof, separately and severally, and for grounds thereof, says:

FIRST:

That there are no grounds set out in said motion authorizing the removal of said cause.

SECOND:

That the motion affirmatively shows that the Plaintiff is a resident of the State of Alabama.

THIRD:

That the motion affirmatively shows that the original amount involved is less than Three Thousand Dollars (\$3,000.00), the minimum jurisdiction of the Federal Court.

FOURTH:

That the question of jurisdiction is determined by the original suit, and not by the cross suit.

Beebe & Hale
Attorneys for Plaintiff,
C. W. Kneeland.

C. W. KNEELAND,
Plaintiff,

VS.

LEE F. KING,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed Jan 11, 1934

M. A. Stone
att

C. W. KNEELAND,
-vs- Plaintiff,
LEE F. KING,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

PETITION FOR THE REMOVAL OF THIS CAUSE TO THE DISTRICT COURT OF
THE UNITED STATES FOR THE SOUTHERN DIVISION OF THE SOUTHERN DIS-
TRICT OF ALABAMA.

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

The petition of Lee F. King respectfully shows that he
is the defendant in the above entitled cause, and that he is a
non-resident of the State of Alabama, wherein said suit was brought
and is pending.

That the matter and amount in dispute in said suit, ex-
clusive of interest and costs, exceed the sum of Three Housand &
00/100 Dollars (\$3000.00), in this, that while the amount claimed
in plaintiff's complaint is less than Three Thousand & 00/100
Dollars (\$3000.00), and is, in fact, Two Thousand Nine Hundred
Fifty & 00/100 Dollars (\$2950.00), the defendant is asserting
against the plaintiff his claim for damages in the sum of Four
Thousand & 00/100 Dollars (\$4000.00) arising out of and based on
the same collision as that described in the plaintiff's complaint
and forming the basis of plaintiff's alleged cause of action, which
counter-claim the defendant desires, intends and hereby binds him-
self to file as a counter-action against the plaintiff, *in the manner hereinafter stated.* Defend-
ant has prepared and attaches hereto a copy of his combined answer,
in which he denies all of the allegations of said complaint, and
his counter-action against the plaintiff for Four Thousand & 00/100
Dollars (\$4000.00), damages, in which counter-action he charges
the plaintiff with negligence and wantoness, which he alleges to
be the proximate cause of the collision forming the basis of the
plaintiff's cause of action, -said answer and counter-action being
hereby referred to and made a part hereof as fully as if set forth
herein. The attached answer and counter-action, which it will
be noted is captioned as being filed in the District Court of
United States for the Southern Division of the Southern District
of Alabama, is not intended as an answer to plaintiff's cause of

action nor as a counter-action against the plaintiff in the Circuit Court of Baldwin County, Alabama, and is attached hereto merely for the purpose of informing this Honorable Court of the details of the defendant's answer and counter-action and for the further purpose of agreeing that said answer and counter-action shall be taken and filed as such in the District Court of United States for the Southern Division of the Southern District of Alabama, separate and apart from this petition, when and if this cause of action is transferred to said District Court as prayed for hereinafter.

That the said suit and counter-suit, upon the transfer of this cause to the District Court of United States for the Southern Division of the Southern District of Alabama, shall constitute one cause of action and be tried together, and each is of a civil nature, namely an action for personal injuries and property damage complained of in each said action, and in each of which said actions the claimant claims damages in the sums stated above.

That this controversy is wholly between citizens of different States, namely, between your petitioner, who avers that he was, at the time of the filing of the complaint in this cause, and still is, ^{resident and} a citizen of the State of North Carolina, and the plaintiff, who, at the time of the filing by him of this suit, was a resident of ~~the State of Tennessee, or a resident of the State of Alabama.~~ The plaintiff, prior to the collision on which his action is based, and immediately prior to his entering the State of Alabama, where, as stated, said collision occurred, was a resident of the State of Tennessee, and at the time of said collision was passing through the State of Alabama, en route to the State of Texas, where he intended to establish a new residence; that, however, regardless of whether the plaintiff was a resident of the State of Tennessee or of the State of Alabama, at the time of the filing by him of his complaint in this cause, he was in truth and in fact a resident of a State other than the State of North Carolina, in consequence of which a diversity of citizenship existed between plaintiff and defendant at the time of the filing of this cause of action.

Your petitioner offers herewith a bond, with good and sufficient surety, for his entering in said District Court of the

United States for the Southern Division of the Southern District of Alabama, within 30 days from the date of the filing of this petition, a copy of the record of this suit, and for paying all costs that may be awarded by said District Court, if said Court shall hold that this suit was wrongfully or improperly removed thereto. And your petitioner prays this Honorable Court to proceed no further herein except to make an order for the removal of this cause to said District Court and to accept said surety and bond and to cause the record herein to be removed to the said District Court of the United States in and for the Southern Division of the Southern District of Alabama, and petitioner will ever pray.

Lee F. King

BY

John N. Allen
As his Attorney of Record.

State of Alabama,

County of Baldwin.

Before me, E. Mac Humphreys, a Notary Public in and for said State and County, personally appeared John N. Allen, who is known to me and, who, being by me first duly sworn, deposes and says that he is the duly authorized attorney of record for Lee F. King, the defendant and cross-plaintiff in the above entitled cause now pending in the Circuit Court of Baldwin County, Alabama, and that the facts stated in the foregoing petition for removal of said cause in the Circuit Court of Baldwin County to the United States District Court for the Southern Division of the Southern District of Alabama, are true and correct.

John N. Allen

Subscribed and sworn to before

me this 4th day of January, 1935.

E. Mac Humphreys
Notary Public, Baldwin County, Alabama.

Notice of filing of intention to file petition
for removal to District Court of Southern District
of Sou. Div. of Ala and service of copy of petition
and bond accepted this 4 January 1935
Perbe-Haege
Atty for Plaintiff

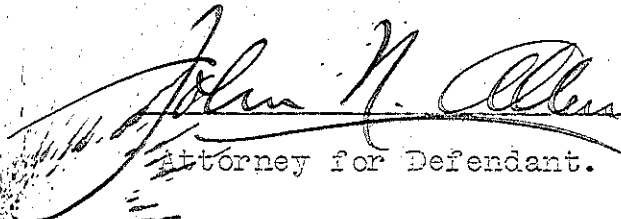
IN THE DISTRICT COURT OF THE
UNITED STATES FOR THE SOUTH-
ERN DIVISION OF THE SOUTHERN
DISTRICT OF ALABAMA.

For answer to the complaint and each and every count thereof, the defendant and cross-plaintiff pleads as follows:

1. Not guilty.
2. The defendant pleads specially by way of recoupment his claim against the plaintiff for the sum of Four Thousand & 00/100 Dollars (\$4000.00), damages growing out of and based on the same collision as that described in plaintiff's complaint and forming the basis of plaintiff's alleged cause of action, and defendant claims of the plaintiff said sum of Four Thousand & 00/100 Dollars (\$4000.00) damages, for this, that on, to-wit, the 21st day of November, 1934, while defendant was lawfully driving his automobile in a southwardly direction over and upon that certain public highway in Baldwin County, Alabama, known as State Highway No. 3 and Federal Highway No. 31, at a point approximately three miles south of Perdido in said County, the plaintiff negligently parked his automobile on said highway, headed southwardly, and negligently allowed the same to remain parked on said public highway at the point stated, without having a tail light burning thereon as required by law, and as a proximate result of such negligence on the part of the plaintiff, the defendant's automobile was caused to run against the rear end of plaintiff's said automobile, parked as aforesaid, and the defendant's automobile was knocked off the highway and into a culvert filled with water where it turned over on its left side and was completely wrecked, and the defendant severely injured by being bruised about his body and having three ribs broken, and which said injuries caused him to be confined to bed and to suffer severe pain and illness for a considerable period of time, and to expend a large sum of money in procuring medical treatment for said illness and injuries, wherefore this plea in recoupment against the plaintiff, under

which defendant asks judgment in the sum aforesaid.

3. Defendant pleads specially by way of recoupment his claim against the plaintiff for the sum of Four Thousand & 00/100 Dollars (\$4000.00), damages growing out of and based on the same collision as that described in plaintiff's complaint and forming the basis of plaintiff's alleged cause of action, and defendant claims of the plaintiff said sum of Four Thousand & 00/100 Dollars (\$4000.00) damages, for this, that on, to-wit, the 21st day of November, 1934, while defendant was lawfully driving his automobile in a southwardly direction over and upon that certain public highway in Baldwin County, Alabama, known as State Highway No. 3 and Federal Highway No. 31, at a point approximately three miles south of Perdido in said County, the plaintiff wilfully and wantonly parked his automobile on said highway, headed southwardly, and wilfully and wantonly allowed the same to remain parked on said public highway at the point stated, without having a tail light burning thereon as required by law, and as a proximate result of such wilfulness and wantonness on the part of the plaintiff, the defendant's automobile was caused to run against the rear end of plaintiff's said automobile, parked as aforesaid, and the defendant's automobile was knocked off the highway and into a culvert filled with water where it turned over on its left side and was completely wrecked, and the defendant severely injured by being bruised about his body and having three ribs broken, and which said injuries caused him to be confined to bed and to suffer severe pain and illness for a considerable period of time, and to expend a large sum of money in procuring medical treatment for said illness and injuries, wherefore this plea in recoupment against the plaintiff, under which defendant asks judgment in the sum aforesaid.


Attorney for Defendant.

Filed Jan 4th 1935
W. A. Stone
Clerk

BEEBE & HALL
LAWYERS
BAY MINETTE, ALABAMA

W. C. BEEBE
H. M. HALL
J. P. BEEBE

January 11th, 1955.

Honorable F. W. Hare,
Monroeville, Alabama.

Dear Judge:- IN RE: KNEELAND VS. KING.

I will appreciate you advising me as to the above matter.

We have filed and enclose herewith motion to strike the Defendant's motion to remove this cause. I also raise it by demurrer.

We are filing both these papers for the reason that we are not positive as to which way the question should be raised.

We are also sending a copy to Mr. Allen and requesting that he fix some day for a hearing of the original motion and our motion and demurrer. We will advise you immediately we get a hearing from Mr. Allen.

Yours very truly,

BEEBE & HALL,

By: *H. M. Hall*
8.

HMH/J
Encs.

C. W. KNEELAND,

Plaintiff,

VS.

LEE F. KING,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Comes the Plaintiff in the above styled cause and moves the court to strike, the motion of the Defendant for the removal of the above cause to the District Court of the United States for the Southern Division of the Southern District of Alabama, and to each count thereof, separately and severally, and for grounds thereof says:

FIRST:

That there are no grounds set out in said motion authorizing the removal of said cause.

SECOND:

That the motion affirmatively shows that the Plaintiff is a resident of the State of Alabama.

THIRD:

That the motion affirmatively shows that the original amount involved is less than Three Thousand Dollars (\$3,000.00), the minimum jurisdiction of the Federal Court.

FOURTH:

That the question of jurisdiction is determined by the original suit, and not by the cross suit.

Beebe & Hae
Attorneys for Plaintiff,
C. W. Kneeland.

C. W. KNEELAND,

Plaintiff,

VS.

LEE F. KING,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Filed Jan 11, 1935

W A Stone

STATE OF ALABAMA.)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon LEE F. KING to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of C. W. KNEHLAND.

Witness my hand this 8th day of December, 1934.

W. L. King
Clerk.

C. W. KNEHLAND,

Plaintiff,

vs.

LEE F. KING,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

1st. The plaintiff claims of the defendant the sum of TWENTY-NINE HUNDRED FIFTY DOLLARS (\$2950.00) as damages for this, because on, to-wit, the 21st day of November, 1934, while the plaintiff was lawfully on that certain public highway in Baldwin County, Alabama, known as State Highway Number 5 and Federal Highway Number 31, at a point approximately three miles South of Perdidoo, in said County, the defendant, who was then and there driving an automobile along and upon said public highway, negligently ran the said automobile against the automobile of the plaintiff, damaging the same beyond repair and hurling or driving the same on or against the plaintiff, and thereby bruising, lacerating and breaking the body of this plaintiff, and causing him great physical loss of time and pain and mental suffering and causing him/a large expense for medicine and medical attention; that the negligence of the said defendant in the operation of his car was the proximate cause of the plaintiff's damages aforesaid; hence this suit.

2nd. The plaintiff claims of the defendant the sum of TWENTY-NINE HUNDRED FIFTY DOLLARS (\$2950.00) for this, that on, to-wit, the 21st day of November, 1934, while the plaintiff was lawfully on that certain public highway in Baldwin County, Alabama, known as State Highway Number 3 and Federal Highway Number 51, at a point approximately three miles South of Perdido, in said County, the defendant, who was then and there driving an automobile along and upon said public highway, wilfully and wantonly ran the said automobile against the automobile of the plaintiff, damaging the same beyond repair and hurling or driving the same on or against the plaintiff, and thereby bruising, lacerating and breaking the body of this plaintiff, and causing him great physical pain and mental suffering and causing him ^{loss of time and} a large expense for medicine and medical attention; that the said wilful and wanton act of the said defendant in the operation of his car was the proximate cause of the plaintiff's damages aforesaid; hence this suit.

Beebe Hall
Attorneys for Plaintiff.

Plaintiff demands a trial of
this cause by Jury.

Beebe Hall
Attorneys for Plaintiff.

C. W. Kneeland

vs

Lee F King

Damages

Original Complaint

Filed This Dec 3, 1934

W. A. Stone

Clerk.

BEEBE & HALL
LAWYERS
BAY MINETTE, ALA.

RECEIVED
12/10/34

Received 5th Day of Dec 1934

and on 5th Day of Dec 1934

I served a Copy of the within C. O. S.

on Lee F King

by service on

as

W. H. HOLCOMBE, Jr., Sheriff

By W. F. Gray D. S.

Circuit Court, Baldwin County

#110

Wm. K. Kinsland
vs.
Leet King

(110)

PLAINTIFF

DEFENDANT

BILL OF COST

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Issuing Summons and Complaint	\$1 25	1	35	Transcript to Supreme Court, 15c per hundred words			
Copies of same, when over 200 words, 15c per 100	30		30	Copies, 5c per hundred words			
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words			
Entering Sheriff's Return on Summons and Complaint	20		10	Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45		45	Witness Certificate	25		
Subpoena for Witness	30			Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50			Entering Order of Court not above named	30		
Filing	10		10	Administering Oath	25		
Trial and Incidents	75		75	Taking Bond for Costs of Non-Resident Plaintiff	75		
Entering Judgment, or copy of same	30			Copy of any paper not above named, 15c per hundred words			
Order for Continuance	10			Filing Writ of Prohibition and Entering Return	15		
Issuing Execution	50			Issuing Writ of Prohibition	75		
Docketing Execution	25			Issuing copies of same, 15c per 100 words			
Issuing copy of same	50			Filing Mandamus and Entering Return	15		
Entering Sheriff's Return on Execution, 15c per hundred words	20			Issuing Writ of Mandamus	75		
Final Record, 15c per hundred words	30	5	00	Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30			Total Clerk's Fees			
Order to Dismiss Cause	30			SHERIFF'S FEES			
Order to Set Aside Dismissal	30			Serving and Returning Summons	\$1 50	1	50
Order Overruling Motion to Set Aside Dismissal	75			Serving and Returning Subpoenas	65		
Order Granting New Trial	30			Collecting Execution for Costs	1 50		
Order Overruling Motion for New Trial	30			Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for Continuance	30			Executing Writ of Possession	2 50		
Order Overruling Motion to Set Aside Default	30			Levying Attachment	3 00		
Order for Notice to Non-Resident Defendant	30			Entering and Returning Attachment	25		
Issuing Notice for Publication and Copy 20c per hundred words	30			Entering and Returning Execution	25		
Order to Give Security for Costs	30			Summoning and Returning Garnishee	1 50		
Order to Give Additional Bond	30			Taking and Approving Garnishee Bond	75		
Order to Execute Writ of Inquiry	30			Serving and Returning Writs	1 50		
Order of Sale in Attachment	30			Serving and Returning Summons on Forcible Entry	1 00		
Order for Leave to Amend Complaint	30			Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Pleas	30			Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Writ of Process	30			Taking and Approving Claim Bond	1 00		
Order for Attachment for Witness	30			Taking and Approving Forthcoming Bond	1 00		
Filing Deposition	10			Taking and Approving Bail Bond	1 00		
Issuing Commission to Take Deposition	75			Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15			Taking and Approving Defendant's Detinue Bond	1 00		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50			Making Deed	2 50		
Endorsing each Pet. Deposition Opened	10			Serving Attachment for Contempt of Court	1 50		
Taking Bond in Garnishment on Summons	75			Collecting Money on Execution			
Summons to Garnishee	50			Empanelling Jury	75		
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold under Attachment			
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20			Seizing Personal Property on Writ of Detinue	3 00		
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50			Total Sheriff's Fees			
Filing Attachment	10			RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00			Judgment			
Issuing Copies of Attachment Writ, 15c per hundred words				Interest			
Filing Certiorari and Entering Return	15			Clerk's Fees		8	50
Taking Certiorari Bond and Filing Same	75			Sheriff's Fees		1	50
Issuing Writ of Certiorari	75			Justice's Fees			
Issuing copies of same, 15c per 100 words				Constable's Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75			Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75			Printer's Fees			
Taking Appeal Bond and Filing same	75			Stenographer's Fees	5 00		
				Answer of Garnishee			
TOTAL FORWARDED				Trial Tax	3 00		
				Total	\$	13	00

Received payment this 19 day of April 1935

ATTEST

3-2 35

Robert S. Muech
Clerk Circuit Court, Baldwin County, Ala.