

Copy 571

SUMMONS

STATE OF ALABAMA §
BALDWIN COUNTY §

IN THE CIRCUIT COURT
LAW SIDE
Jury Docket, No. _____.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:-

You are hereby Commanded to summon HARRY THOMPSON, BOB KLINE, KLINE'S GREATER SHOWS, an unincorporated organization, and JAMES THOMPSON, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer to the Complaint of FLORENE CARNLEY, a minor, suing by and through her mother, CLEO W. KENDRICK, as her next friend.

Witness my hand this 15th day of March, 1940.

RS Duck

Clerk of the Circuit Court,
by LOZ Smith
as Deputy Clerk.

COMPLAINT

FLORENE CARNLEY, a Minor,
suing by and through her
mother, CLEO W. KENDRICK, as
her next friend,
Plaintiff,

vs.

HARRY THOMPSON, BOB KLINE,
KLINE'S GREATER SHOWS, an un-
incorporated organization, and
JAMES THOMPSON,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

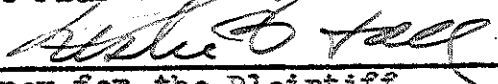
AT LAW.

Count One

The Plaintiff claims of the Defendants the sum of TWO THOUSAND DOLLARS (\$2,000.00), as damages, for that, whereas, heretofore, on to-wit: the 24th day of February, 1940, at about four o'clock in the afternoon, the Defendant, James Thompson, acting by and through HARRY THOMPSON, BOB KLINE, and KLINE'S GREATER SHOWS, an unincorporated organization, as his agents, servants, or employees, who were then and there acting within the line and scope of their office, duty, or employment as such agents, servants, or employees, so negligently operated an amusement device known as a "Chair-o-Plane" at a place in the Town of Foley, Baldwin County, Alabama, adjoining a place of business known as Blue Heaven Service Station, that the Plaintiff, who was a patron on said amusement device at said time and place, was thrown on, into, or against an automobile truck parked near said device, and as a proximate result thereof, the plaintiff was seriously injured as follows, to-wit:

Her legs were lacerated deeply; she suffered contusions to the legs; she suffered bruises, cuts, and lacerations of her body; that she was made sick, sore, lame, nervous, and rendered in a shocked condition, and she suffered much physical pain and mental anguish as a result thereof; that she suffered disability, and loss of sleep, and that she was required to incur medical and other expenses as a result of such injuries; that she suffered other injuries;

and the Plaintiff avers that her said injuries were proximately caused by the negligence of the Defendant, James Thompson, acting by and through his said agents, servants, or employees, who were then and there acting within the line and scope of their employment as such agents, servants, or employees of the Defendant, James Thompson. WHEREFORE, the Plaintiff sues.



Attorney for the Plaintiff.

JURY DEMAND

The Plaintiff demands a trial of this cause by a Jury of her Peers.



LESLIE HALL, Attorney for the Plaintiff.

SUMMONS

STATE OF ALABAMA §
:
BALDWIN COUNTY §

IN THE CIRCUIT COURT
LAW SIDE
Jury Docket, No. _____.

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Witness my hand this 1st day of March, 1940.

R. S. Duck

Clerk of the Circuit Court,
by J. E. Smith
as Deputy Clerk.

COMPLAINT

FLORENE CARNLEY, a Minor,
suing by and through her
mother, CLEO W. KENDRICK, as
her next friend,
Plaintiff,

vs.

HARRY THOMPSON, BOB KLINE,
KLINE'S GREATER SHOWS, an un-
incorporated organization, and
JAMES THOMPSON,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

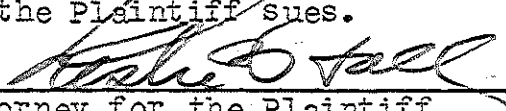
AT LAW.

Count One

The Plaintiff claims of the Defendants the sum of TWO THOUSAND DOLLARS (\$2,000.00), as damages, for that, whereas, heretofore, on to-wit: the 24th day of February, 1940, at about four o'clock in the afternoon, the Defendant, James Thompson, acting by and through HARRY THOMPSON, BOB KLINE, and KLINE'S GREATER SHOWS, an unincorporated organization, as his agents, servants, or employees, who were then and there acting within the line and scope of their office, duty, or employment as such agents, servants, or employees, so negligently operated an amusement device known as a "Chair-o-Plane" at a place in the Town of Foley, Baldwin County, Alabama, adjoining a place of business known as Blue Heaven Service Station, that the Plaintiff, who was a patron on said amusement device at said time and place, was thrown on, into, or against an automobile truck parked near said device, and as a proximate result thereof, the plaintiff was seriously injured as follows, to-wit:

Her legs were lacerated deeply; she suffered contusions to the legs; she suffered bruises, cuts, and lacerations of her body; that she was made sick, sore, lame, nervous, and rendered in a shocked condition, and she suffered much physical pain and mental anguish as a result thereof; that she suffered disability, and loss of sleep, and that she was required to incur medical and other expenses as a result of such injuries; that she suffered other injuries;

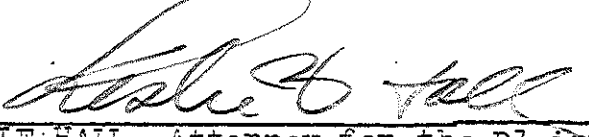
and the Plaintiff avers that her said injuries were proximately caused by the negligence of the Defendant, James Thompson, acting by and through his said agents, servants, or employees, who were then and there acting within the line and scope of their employment as such agents, servants, or employees of the Defendant, James Thompson. WHEREFORE, the Plaintiff sues.



Attorney for the Plaintiff.

JURY DEMAND

The Plaintiff demands a trial of this cause by a Jury of her Peers.



LESLIE HALL, Attorney for the Plaintiff.

Original
Jury Docket No. 571
RECORDED

Received in Sheriff Office
this 1st day of March 1940
W.B. Stuart
Sheriff

FLORENCE CARNLEY, A Minor, suing
by and through her mother,
Cleo W. Kendrick, as her next
friend,
Plaintiff,

vs.

HARRY THOMPSON,
BOB KLINE,
KLINE'S GREATER SHOWS,
an unincorporated organi-
zation, and
JAMES THOMPSON,
Defendants,

Executed March 1 1940
by serving copy of within Summons and
Complaint on

Bob Kline, and
on Bob Kline, as
manager of Kline's
Greater Shows
W.B. Stuart Sheriff
by M.B. Hamilton Deputy Sheriff

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Filed in office this 1st day of
March, 1940.

R S Duack
Clerk,
by H.E. Smith
as Deputy Clerk.

ATTACHMENT.

The State of Alabama, {
Baldwin County }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Cleo W. Kendrick

Judge of Probate Court
hath complained on oath to me, ~~ROBERT S. DICKSON, Clerk of the Court~~ of Baldwin County, Ala.,

that JAMES THOMPSON

is justly indebted to the Plaintiff FLORENE CARNLEY, a minor,
suing by and through her
mother, Cleo W. Kendrick, as her next friend,

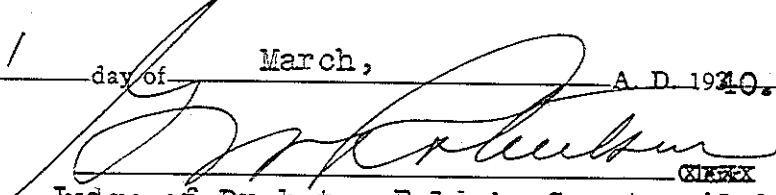
in the sum of Two Thousand (\$2,000.00) Dollars, and

said Cleo W. Kendrick, that Defen-
dant is a non-resident of the State, and Plaintiff having made affidavit and given bond
to give bond, as provided by law, and having elected not
~~XXXXXX~~ in such cases, you are hereby commanded to attach so much of the estate of

the said JAMES THOMPSON

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, within thirty days from service hereof,
~~XX~~
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 1 day of March, A. D. 1940.


Judge of Probate, Baldwin County, Alabama.

No. _____

ATTACHMENT

FLORENE CARNLEY, a minor,
suing by and through her
mother, Oleo W. Kendrick,
as her next friend,
Plaintiff,

Vs. { ATTACHMENT
JAMES THOMPSON,
Defendant.

Issued March 1, 1940

MOORE PRINTING CO.,

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

-Term, 194-

Case No. 571 vs. Thompson et al

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS, AND JUDGMENT	AMOUNT
Fees in Circuit Court—		Fees and Costs in Circuit Court:	
Docketing Cause, One Fee only of..... .25	25-	Clerk's Fees	7.15-
Issuing Summ. and Complt., each.....1.25	1 25-	Ex-Clerk's Fees	3 00
Issuing Alias or Branch Summons & Complaint, each 1.25		Sheriff's Fees	
Making Copies Thereof, Minimum, each30		EX-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words .15		Witness Fees	
Entering Sheriff's Returns, each20	40	Commissioner's Fees	
Entering Appearances, each20	25-	Garnishee's Fees	
Certifying Affidavits, each25	1 00	Publisher's Fees	
Issuing Attachments with Bond, each1.00		Court Reporter's Fees, Per Day or fraction thereof .5.00	3 00
Orders of Publication, each50		Trial Tax3.00	
Copy of Same, each50			
Issuing Summ. to Garnishee, each50			
Copy of Same, Per 100 Words15			
Swearing Garnishee, Etc., Per 100 words.			
.15, Minimum50			
Release of Garnishee, each25			
Issuing Seire Facias or Similar Notice, each75			
Copies of Same, Per 100 Words..... .15			
Making Copy of Interrogatories, Per			
100 Words, .15; Minimum50			
Commission to Take Depositions, each75			
Filing Depositions, Each Pkg.,10			
Endorsing Each Package of Depositions Opened10			
Issuing Subpoenas, Each30			
Issuing Witness Certificates, each..... .25			
Entering Continuances, each10			
Filing Papers, each10			
Other Orders of Court, each30			
Trial and Incidents75			
Entering Judgment, each30			
Complete Record, Per 100 Words15			
Taking Bonds, each75			
Certificate of Appeal25			
Transcript to Supreme Court, Per 100 Words15			
Additional Copies of Same, Per 100 Words05			
Issuing Executions or Copy Thereof, each50			
Entering Sheriff's Return, Per 100 Words, .15;			
Minimum20			
Total Clerk's Fees	7.15-		
SHERIFF'S FEES:			
Serving and Returning Summons or			
Writ, each1.50	3 00		
Levying Attachment, each3.00			
Entering and Returning Same, each25			
Seizing Personal Property Under Writ of Detinue ...3.00			
Taking and Approving Bonds, each.....1.00			
Summoning Garnishee and Return, each1.50			
Serving and Returning Sei. Fa. or Notice, Each ...1.50			
Serving and Returning Subpoenas, each65			
Serving Contempt Attachment, each1.50			
Impanelling Jury..... .75			
Collecting Execution for Costs Only, each.....1.50			
Coms. for Collecting Money on Executions			
Executing Writs of Possession, each.....5.00			
Making Deed to Real Estate Sold, each.2.50			
Total Sheriff's Fees	3 00		

The State of Alabama, }

Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Before me, Leslie Hall, a Notary Public,

in and for said County, personally appeared Cleo W. Kendrick, known to me,

who, being duly sworn, on oath saith that this cause of action sounds in
damages merely; that she is mother of and next friend ~~and next friend~~
of Florene Carnley, the Plaintiff; that James Thompson is one of
the Defendants in this cause; that said Defendant resides out of
~~the State; that Plaintiff elects not to~~ ~~the State; that Plaintiff elects not to~~
give bond, as provided by Code (1923) section 6176;
~~and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or~~

that the Plaintiff was injured on a "Chair Plane Ride" through
the negligence of the Defendant; that the Plaintiff's injuries
consist of, to-wit: contusions and lacerations of her legs;.....
bruises, cuts, and lacerations of her body, and other injuries;
that she was made sick, sore, lame, nervous, and rendered in a
shocked condition and suffered much mental and physical pain and
anguish, disability, and loss of sleep, and that she was required
to incur medical and other expenses as a result of such injuries;
for which Plaintiff claims Two Thousand Dollars, as damages; that
Defendant, James Thompson, resides out of the State;
and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or
other improper motive.

Subscribed and sworn to before me this 29th day of Feb 1940

Leslie Hall
 Notary Public, Baldwin County, Ala.

No.	
The State of Alabama,	
Baldwin County.	
CIRCUIT COURT	
AT BAY MINETTE, ALA.	
a minor, Florene Carnley, suing by and through her mother, <u>Cleo W. Kendrick,</u> as her next friend,	Plaintiff,
TO	
<u>James Thompson, (et al.)</u>	Defendant
Attachment Bond and Affidavit	
Filed this the <u>1st</u> day	
of <u>March</u> 19 <u>40</u> ,	
<u>R S Duck</u> Clerk.	
<u>Leslie Hall.</u>	Attorney.