

The Plaintiff claims of the Defendants the sum of Six
Thousand Dollars (\$6,000.00) for in this: that on or about to-wit,
the 15th day of November, 1940, the Defendants by their agent, ser-
vant or employee while acting within the line and scope of his em-
ployment, negligently and unlawfully parked a truck on the public
highway leading from Foley, Alabama, to Gulf Shores, Alabama, in
Baldwin County, Alabama, at a point about 1.7 miles south of the
traffic light in Foley, Alabama, during the period of time from
one-half hour after sun-set to one-half hour before sun-rise or at
a time when there was not sufficient light to render clearly dis-
cernible any person on the highway at that time and place at a

COUNT 1:-

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW.	I. L. NORIE, HORACE W. THURBER, AND J. R. ATKINS, Individually and as Partners doing business under the name of FRUIT DISTRIBUT- ING COMPANY, Plaintiffs, -vs- Defendants.
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COMPLAINT:-

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-
You are hereby commanded to summon I. L. NORIE, HORACE
W. THURBER AND J. R. ATKINS, Individually and as partners doing
business under the name of FRUIT DISTRIBUTING COMPANY, 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 the same,
then and there to answer the complaint of Spencer M. Adams, Jr.
WITNESS my hand this 30th day of May, 1941.
R.S. [Signature]
Clerk.

STATE OF ALABAMA,
BALDWIN COUNTY,
IN THE CIRCUIT COURT, LAW SIDE.

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The Plaintiff claims of the Defendants the sum of Six Thousand Dollars (\$6,000.00) as damages for in this: that on or about to-wit, the 15th day of November, 1940, the Defendants by and through their agent, servant, or employee acting within the line or scope of his employment, negligently and unlawfully operated a truck on the highway leading from Foley, Alabama, to Gulf Shores, Alabama, in Baldwin County, Alabama, at a point about 1.7 miles south of the traffic light in Foley, Alabama, during the period of time from one-half hour after sun-set to one-half hour before sunrise or at a time when there was not sufficient light to render clearly discernible any person on said highway at said time and place at a distance of 200 feet ahead without the truck being equipped with lighted rear lamp, and as a proximate result thereof the Plaintiff, while driving an automobile along said highway at said time at about the hour of 5:45 o'clock P. M., ran into said truck and as a proximate result thereof Plaintiff's automobile was wreck-

2: COUNT

distance of 200 feet ahead without the truck being equipped with lighted rear lamp, and as a proximate result thereof the Plaintiff while driving an automobile along said highway at said time at about the hour of 5:45 o'clock P. M., ran into said truck, and as a proximate result thereof Plaintiff's automobile was wrecked and of his teeth were knocked out, his left ear was badly damaged and disfigured, his face was skinned and bruised, he received a concussion of the brain, and severe internal injuries, and he suffered great physical pain and mental anguish and was permanently injured; and Plaintiff alleges that by reason of the injuries which he sustained in said collision he was compelled to go to the hospital and employ a surgeon at great expense; and Plaintiff alleges that he lost much time from his labors all to his damages aforesaid; and the Plaintiff alleges that said injuries and damages were proximately caused by Defendants' negligent and unlawful act in parking said truck on said highway at said time and place without its being equipped with lighted rear lamp.

ed and practically destroyed; his neck was injured, his chin broken, three of his teeth were knocked out, his left ear was badly damaged and disfigured, his face was skinned and bruised, he received a concussion of the brain, and severe internal injuries and he suffered great physical pain and mental anguish and was permanently injured; and Plaintiff alleges that by reason of the injuries which he sustained in said collision he was compelled to go to the hospital and employ a surgeon at great expense; and Plaintiff alleges that he lost much time from his labors all to his damages aforesaid; and Plaintiff alleges that the said injuries and damages were proximately caused by Defendants' negligence and unlawful act in operating said truck on said highway at said time and place without its being equipped with lighted rear lamp.

COUNT 3:

The Plaintiff claims of the Defendants the sum of Six

Thousand Dollars (\$6,000.00) for in this: that on or about to-wit, the 15th day of November, 1940, the Defendants through their agent,

servant, or employee, acting within the line and scope of his employ-

ment willfully and wantonly parked a truck on the public highway

leading from Foley, Alabama, to Gulf Shores, Alabama, in Baldwin

County, Alabama, about 1.7 miles south of the traffic light in

Foley, Alabama, during the period of time from one-half hour after

sun-set to one-half hour before sun-rise or at a time when there

was not sufficient light to render clearly discernible any person

on said highway at said time and place at a distance of 200 feet

ahead without the truck being equipped with lighted rear lamp, and

as a proximate result thereof the Plaintiff, while driving an automo-

ble along said highway at said time at about the hour of 5:45 o'clock

P. M., ran into said truck and as a proximate result thereof Plain-

tiff's automobile was wrecked and practically destroyed; his neck

was injured, his chin broken, three of his teeth were knocked out,

his left ear was damaged and disfigured, his face was skinned and

bruised, he received a concussion of the brain, and severe internal

injuries, and he suffered great physical pain and mental anguish and

was permanently injured; and Plaintiff alleges that by reason of the in-

juries which he sustained in said collision he was compelled to go to the

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hospital and employ a surgeon at great expense and Plaintiff alleges that he lost much time from his labors all to his damages aforesaid; and Plaintiff further avers that said highway at said point where said truck was parked was frequently used by the public in automobiles and the Plaintiff alleges that said injuries and damages were proximately caused by Defendants' willful and wanton negligence in parking said truck on said highway at said time and place without its being equiped with lighted rear lamp.

COUNT 4:

The Plaintiff claims of the Defendants the sum of Six Thousand Dollars (\$6,000.00) for in this: that on or about to-wit, the 15th day of November, 1940, the Defendants by their agent, servant or employee, while acting within the line and scope of his employment, willfully and wantonly operated a truck on the public highway leading from Foley, Alabama, to Gulf Shores, Alabama, in Baldwin County, Alabama, at a point about 1.7 miles south of the traffic light in Foley, Alabama, during the period of time from one-half hour after sun-set to one-half hour before sun-rise or at a time when there was not sufficient light to render clearly discernible any person on said highway at that time and place at a distance of 200 feet ahead without the truck being equiped with lighted rear lamp, and as a proximate result thereof the Plaintiff, while driving an automobile along said highway at said time at about the hour of 5:45 o'clock P. M., ran into said truck and as a proximate result thereof Plaintiff's automobile was wrecked and practically destroyed, his neck was injured, his chin broken, three of his teeth were knocked out, his left ear was badly damaged and disfigured, his face was skinned and bruised, he received a concussion of the brain, and severe internal injuries, and he suffered great physical pain and mental anguish and was permanently injured; and Plaintiff alleges that by reason of the injuries which he sustained in said collision he was compelled to go to the hospital and employ a surgeon at great expense; and Plaintiff alleges that he lost much time from his labors all to his damages aforesaid; and Plaintiff further avers that said high-

(page (five)

way, at said point where said truck was being operated, was frequently used by the public in automobiles; and the Plaintiff alleges that said injuries and damages were proximately caused by Defendants' willful and wanton negligence in operating said truck on said highway at said time and place without its being equipped with lighted rear lamp. A trial by Jury is demanded.

Hyatt Mason & Mason
Attorneys for Plaintiff.

Received in Sheriff's Office
this 30 day of May, 1941
W. R. STUART, Sheriff

Executed
by serving copy of within Summons and
Complaint on

Horace M. Adams, Jr. & Fruit Distributing Company, by serving on
Horace M. Adams, Jr., one of the partners,
on 6/4/41 on J. R. Atkins,
L. L. Noble.
J. R. Atkins, Sheriff
by M. Adams, Jr.

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5069

5/31/1941
338.670
RECORDED

SUMMONS AND COMPLAINT.

SPENCER M. ADAMS, JR.,
Plaintiff,

--VS--

L. L. NOBLE, HORACE M. THURBER,
AND J. R. ATKINS, Individually
and as Partners doing business
under the name of FRUIT DISTRIBUTING COMPANY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

FILED May 30, 1941.

R. J. Smith
Clerk.

LAW OFFICES
HYBART & CHASON
BAY MINETTE, ALABAMA

4B

THE STATE OF ALABAMA

BALDWIN COUNTY

VS.

DEAR SIR: At the _____ Term, 1933, of the Circuit Court of said County,

recovered a judgment against _____ for the sum of _____ Dollars

besides _____ was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tenements of said _____

turned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, _____ Clerk.

CLERK'S FEES		SHERIFF'S FEES	
Amount	@	Amount	@

1	Issuing Summons and Complaint, \$1.25	1	Levying Attachment, \$3.00
2	Issuing copies thereof, when over 200 words, per 100 words 15	2	Entering and returning Attachment, 25
3	Making every copy thereof, when over 200 words, per 100 words 15	3	Summoning garnishee and return, 1.50
4	Docketing Sheriff's return or copy thereof 20	4	Serving Summons and Return, 1.50
5	Docketing cause, to be charged but once, 20	5	Serving Subpoenas, 65
6	Entering Appearance 25	6	Impaneling jury, 75
7	Filing pleas, demurrer and other pleadings, for each, 10	7	Making deed, 2.50
8	Every trial, with or without jury, and its incidents, not including judgments by default or noli dict, 75	8	Impaneling jury, 75
9	Entering Continuance, (each) 10	9	Serving Subpoenas, 65
10	Entering Judgment, (each) 30	10	Executing writ of restitution or possession, 5.00
11	Entering any other order of Court (each) 30	11	Serving Summons, forcible entry, etc., 1.50
12	Issuing Scire Facias, or notice in the nature thereof, (each) 75	12	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00, 3.00
13	Issuing Execution or copy thereof, (each) 50	13	Selling personal property in default, 1.00
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than 15 cents, 20	14	Taking and approving bond, 1.50
15	Recording award of arbitrators, referees, and-tors, etc., for each 100 words, 15	15	Serving attachment for contempt, 1.50
16	Issuing execution or attachment thereon, and entering return, 1.00	16	Serving any summons not provided for and return, 1.50
17	Taking bond for certiorari superdedas, or appeal, or copy thereof and filing same, 75	17	Selling property attached, same for selling under execution, 1.50
18	Issuing Subpoenas for Witness, (each) 30	18	Former Sheriff's fees, 18
19	Administering an oath, not relating to a trial pending and certifying the same, 25		
20	Issuing papers in attachment, (each) 10		
21	Filing Attachment and taking bond, (ea.) 1.00		
22	Issuing Summons for garnishee, (each) 50		
23	Swearing and taking examination for Garnishee and recording same, for each 100 words, 15 cents; but not less than 15 cents, 50		
24	Order to advertise, or order of survey, or copy thereof, 50		
25	Certificate of Judgment, 50		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than, 25		
27	Issuing Commission to take depositions, or copy thereof, 75		
28	Making copy of interrogatories accompanying commission, 50		
29	Or for each 100 words, 15		
30	Filing packages of depositions, (each) 10		
31	Indorsing packages of depositions, opened (each), 10		
32	Issuing writ of ad quod damnum or writ in the nature thereof, 75		
33	Recording the return and inquest thereon, Or for each 100 words, 50		
34	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof, 15		
35	Filing the same and entering return, 75		
36	Making a complete record of a cause or copy thereof, for each 100 words, 15		
37	Making copy of any paper not herein provided for, for each 100 words, 15		
38	Making each certificate requiring the seal of office, and affixing seal, 50		
39	Making any bond not otherwise provided for, necessary certificates not other-wise provided for, (each witness), 75		
40	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code, Record for Supreme Court, for each 100 words, 5.00		
41	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions, 05		
Total Clerk's Fees,		Total Judgment, \$9.15-41	
Total Judgment,		Grand Total,	

CIRCUIT COURT

Term, 1933

Judgment

Term, 1933

this 30 day of May, 1941
W. R. STUART, Sheriff

Executed June 3 1941
by serving copy of within Summons and
Complaint on

Horace W. Thurber, + Fruit Dist-
ributing Company, by service on
Horace W. Thurber, one of the firm,
+ on 6/4/41 on J. R. Atkins,
+ L. L. Noble. Sheriff

W. H. Holcombe Sheriff
by W. H. Holcombe

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RECORDED
SUMMONS AND COMPLAINT.

SPENCER M. ADAMS, JR.,
Plaintiff,

-VS-

x3
L. L. NOBLE, HORACE W. THURBER,
AND J. R. ATKINS, Individually
and as Partners doing business
under the name of FRUIT DISTRI-
BUTING COMPANY, x3

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

FILED May 30, 1941.

R. J. Duchs
Clerk.

LAW OFFICES
HYBART & CHASON Chason
BAY MINETTE, ALABAMA

HB