

JACK BEASLEY,

Plaintiff,

vs.

J. H. BELL, JR., et al.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

857

Comes D. R. Coley, Jr., and appears for the
Plaintiff in the above entitled cause.



ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. H. BELL, JR., LILLIE BELL, individually, and LILLIE BELL as Administratrix of the Estate of J. H. Bell, Sr., doing business under the firm name and style of Bell Transfer 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 JACK BEASLEY.

1944.

Witness my hand this the 30th day of March

R. L. Luck
Clerk.

JACK BEASLEY,
PLAINTIFF

VS

J. H. BELL, JR., LILLIE
BELL, INDIVIDUALLY AND LILLIE
BELL, AS ADMINISTRATRIX OF
THE ESTATE OF J. H. BELL, SR., DOING
BUSINESS UNDER THE FIRM NAME AND
STYLE OF BELL TRANSFER COMPANY
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

ONE:

The Plaintiff claims of the Defendant TEN THOUSAND DOLLARS as damages for that hereofore, on to-wit, the 29th day of February, 1944, the Plaintiff, a prisoner under arrest, while being transferred from Mobile, Alabama, to Brantley, Alabama, in an automobile, while riding along a public highway commonly known as the Mobile-Montgomery highway at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully operated an automobile truck on said highway, at said place, and as a proximate result thereof the automobile in which the Plaintiff was being transferred along said highway at said time, at about the hour of 7:25 P. M. ran into or against said truck and as a proximate result thereof, the Plaintiff was seriously injured; his body was bruised and lacerated; his kidney was ruptured; his bladder was ruptured; he was otherwise injured; that as a proximate consequence of said injuries Plaintiff suffered much physical pain and mental anguish

and will continue to suffer much physical pain and mental anguish for much time to come; he was caused to lose much time from his work and will continue to lose much time from his work in the future; he was permanently injured and rendered permanently disabled to earn a livelihood, he incurred heavy expenses for medicines, medical, surgical and hospital expenses, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that said injuries to Plaintiff were proximately caused by the negligence of the Defendants, acting by or through their agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said truck along said highway at said point.

TWO.

Plaintiff Claims of the Defendants TEN THOUSAND DOLLARS as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff, a prisoner under arrest, while being transferred from Mobile, Alabama, to Brantley, Alabama, in an automobile, was riding along a public highway commonly known as the Mobile-Montgomery highway at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully parked an automobile truck on said highway, at said place; and as a proximate result thereof, the automobile in which the Plaintiff was being transferred along said highway at said time, at about the hour of 7:25 P. M. ran into said truck and, as a proximate result thereof, the Plaintiff was seriously injured; his body was bruised and lacerated, his kidney was ruptured, his bladder was ruptured; he was otherwise injured; that as a proximate consequence of said injuries Plaintiff suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that he was caused to lose time from his work and will be caused to lose much time from his work in the future; he was permanently injured and rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical, and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were

proximately caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment in that they negligently and unlawfully parked said automobile truck on said highway at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was being transferred was wrecked and the Plaintiff injured as herein set out.

THREE.

Plaintiff claims of the Defendants Ten Thousand Dollars as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff, a prisoner under arrest, while being transferred from Mobile, Alabama, to Brantley, Alabama, in an automobile, was riding along a public highway commonly known as the Mobile-Montgomery highway, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment negligently and unlawfully stopped an automobile truck on said highway, at said place; and as a proximate result thereof, the automobile in which the Plaintiff was being transferred along said highway, at said time, at about the hour of 7:25 P. M. ran into said truck and, as a proximate result thereof, the Plaintiff was seriously injured; his body was bruised and lacerated, his kidney was ruptured, his bladder was ruptured; he was otherwise injured; that as a proximate consequence of said injuries Plaintiff suffered much physical pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that he was caused to lose time from his work and will be caused to lose much more time from his work in the future, he was permanently injured and rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical, and hospital services, all to the damage of the Plaintiff in the sum herein sued for.

Plaintiff avers that Plaintiff's injuries and damages were caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment; in that they negligently and unlawfully stopped said automobile truck on said highway

at said point, at said time, and negligently failed to have and maintain proper signals or other warnings, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was being transferred was wrecked and the Plaintiff injured as herein set out.

FOUR:

Plaintiff claims of the Defendants Ten Thousand Dollars as damages for that heretofore on, to-wit, February 29th, 1944, Plaintiff, a prisoner under arrest, while being transferred from Mobile, Alabama, to Brantley, Alabama, in an automobile, was riding along a public highway commonly known as the Mobile-Montgomery highway, at a point near Camp Baldwin, in Baldwin County, Alabama; Plaintiff avers that the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, negligently and unlawfully parked or left standing an automobile truck on said highway at said point so as to block or obstruct passage along said highway; and as a proximate result thereof, the automobile in which the Plaintiff was being transferred along said highway, at said time, at about the hour of 7:25 P. M. ran into said truck and, as a proximate result thereof, the Plaintiff was seriously injured; his body was bruised and lacerated, his kidney was ruptured, his bladder was ruptured; he was otherwise injured; that as a proximate consequence of said injuries Plaintiff suffered much pain and mental anguish, and will continue to suffer much physical pain and mental anguish for much time to come; that he was caused to lose time from his work, and will be caused to lose much more time from his work in the future, he was permanently injured and rendered permanently disabled to earn a livelihood; he incurred heavy expenses for medicines, medical, surgical, and hospital services, all to the damage of the Plaintiff in the sum herein sued. for.

Plaintiff avers that Plaintiff's injuries and damages were proximately caused by the negligence of the Defendants, acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, in parking or leaving standing the said automobile truck so as to block or obstruct passage along said highway at said place, and negligently fail to have and maintain proper signals or other warnings; that said highway was so

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blocked or obstructed at said point, and as a proximate consequence of said negligence, the said automobile in which the Plaintiff was riding as aforesaid, was wrecked or turned over, and the Plaintiff injured as herein set out.

BEEBE & HALL

BY

H. L. Beebe
Attorneys for Plaintiff.

Plaintiff demands a trial by jury.

BEEBE & HALL

BY

H. L. Beebe
Attorneys for Plaintiff.

JACK BEASLEY, PLAINTIFF

VS

J. H. BELL, JR., LILLIE BELL
INDIVIDUALLY AND LILLIE BELL, AS
ADMINISTRATRIX OF THE ESTATE OF J. H.
BELL, SR., DOING BUSINESS UNDER THE
FIRM NAME AND STYLE OF BELL
TRANSFER COMPANY,
DEFENDANTS.

SUMMONS AND COMPLAINT.

Filed March 30/1944
Robert D. Smith

Requested this 1... day of April 1944

By leaving a copy with
J. H. Bell Jr

J. E. KENNEDY Sheriff

W. B. McLaughlin D. S.

Requested this 1... day of April 1944

By leaving a copy with
Lillie Bell

J. E. KENNEDY Sheriff

W. B. McLaughlin D. S.

Requested this 1... day of April 1944

By leaving a copy with *Lillie Bell*
J. H. Bell Jr of the Estate of
J. H. Bell Sr of the Estate of
J. E. KENNEDY Sheriff

W. B. McLaughlin D. S.

The State of Alabama, {
BALDWIN COUNTY

CIRCUIT COURT. (LAW)

10-21-44

Term, 194

Jack Beasley.

No. 857. vs.

J H Bell 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	Clerk's Fees	6 20
Issuing Summ. and Complt., each.....	1 25	Ex-Clerk's Fees	4 50
Issuing Alias or Branch Summons & Complaint, each.....	1.25	Sheriff's Fees	
Making Copies Thereof, Minimum, each	30	Ex-Sheriff's Fees	
Making Copies Thereof, over 200 Words, per 100 words.....	15	Witness Fees	
Entering Sheriff's Returns, each	20	Commissioner's Fees	
Entering Appearances, each	40	
Certifying Affidavits, each	25	Garnishee's Fees	
Issuing Attachments with Bond, each	1.00	Publisher's Fees	
Orders of Publication, each	50	
Copy of Same, each	50	Court Reporter's Fees, Per Day or fraction thereof	5.00
Issuing Summ. to Garnishee, each	50	Trial Tax	3 00
Copy of Same, Per 100 Words	15	
Swearing Garnishee, Etc., Per 100 words, .15, Minimum	50	
Release of Garnishee, each	25	
Issuing Scire Facias or Similar Notice, each	75	
Copies of Same, Per 100 Words.....	15	
Making Copy of Interrogatories, Per 100 Words, .15; Minimum	50	
Commission to Take Depositions, each	75	Fees and Costs in Inferior Court:	
Filing Depositions, Each Pkg.,	10	Clerk of Inferior Court Fees	
Endorsing Each Package of Depositions Opened	10	Sheriff's Fees	
Issuing Subpoenas, Each	30	Justice of Peace Fees	
Issuing Witness Certificates, each.....	25	Constable's Fees	
Entering Continuances, each	10	
Filing Papers, each	40	Fees and Costs in Inferior Court	13 70
Other Orders of Court, each	30	Total Fees and Costs	
Trial and Incidents	75	Judgment	
Entering Judgment, each	30	10 Per Cent Damages	
Complete Record, Per 100 Words	3 00	Interest	
Taking Bonds, each	75	Total Judgment	
Certificate of Appeal	25	Total Fees, Costs and Judgment	
Transcript to Supreme Court, Per 100 Words	15	Cost to 10-21-44	
Additional Copies of Same, Per 100 Words	05	Total	
Issuing Executions or Copy Thereof, each	50		
Entering Sheriff's Return, Per 100 Words, .15; Minimum	20		
Copy Order dismissal.	50		
Total Clerk's Fees	6 20		
SHERIFF'S FEES:			
Serving and Returning Summons or Writ, each	3 1.50		
Levying Attachment, each	4 50		
Entering and Returning Same, each	25		
Seizing Personal Property Under Writ of Detinue	3.00		
Taking and Approving Bonds, each.....	1.00		
Summoning Garnishee and Return, each	1.50		
Serving and Returning Sci. Fa. or Notice, Each	1.50		
Serving and Returning Subpoenas, each	05		
Serving Contempt Attachment, each	1.50		
Impaneling 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	4 50		

JACK BEASLEY,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., doing busi-
ness under the firm name and
style of BELL TRANSFER COMPANY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW - NO. 857

The parties consenting hereto, it is ordered,
adjudged and decreed that the above -entitled cause be, and
the same is hereby, dismissed, the parties having compromised
and settled the same; and that the plaintiff do have and re-
cover of and from the defendants all costs in his behalf ex-
pended, for all of which let execution issue.

ORDERED AND ADJUDGED, this 1st day of November, ~~October~~,

1944.

J. M. Hale
JUDGE

WE CONSENT TO THE ABOVE:

R. R. Allen, Jr.
ATTORNEYS FOR THE PLAINTIFF

Johnston, McCall, Johnston
ATTORNEYS FOR THE DEFENDANTS

JACK BEASLEY,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing business
under the Firm Name and Style of
BELL TRANSFER COMPANY,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - No. 857

Come the defendants in the above entitled cause
and move the Court to require Messrs. Beebe & Hall, appearing
herein as attorneys of record for the plaintiff, to produce
and prove the authority under which they appear as said at-
torneys, and to further stay all proceedings until they do so.

John McCall & J. H. Hall
Attorneys for said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 857

JACK BEASLEY,
Plaintiff

--VS--

J. H. BELL, JR., et al
Defendants

MOTION FOR PLAINTIFF'S
ATTORNEYS TO SHOW
AUTHORITY

Filed May 31 1944
James H. Bell

JOHNSTON, McCALL & JOHNSTON
ISAMM & JOHNSTON
LAWYERS
FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

JACK BEASLEY,

Plaintiff,

VERSUS

J. H. BELL, JR., LILLIE BELL,
Individually, and LILLIE BELL,
as Administratrix of the Estate
of J. H. Bell, Sr., Doing Busi-
ness Under the Firm Name and
Style of BELL TRANSFER COMPANY,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW - NO. 857

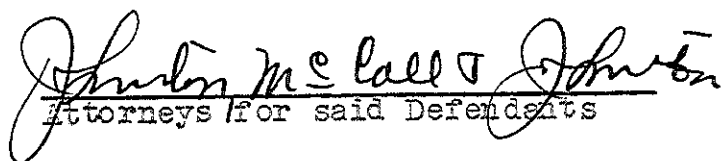
Come the defendants in the above entitled cause
and move the Court to strike the complaint from the docket
of this Court, and to dismiss the action filed herein on
the following separate grounds:

1. Said action was not authorized by the plaintiff.

2. Because suit was filed without authority of the

Plaintiff.

3. Because Plaintiff never knew of the filing of
said suit and has not ratified or authorized the filing of
said suit.


Attorneys for said Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW - NO. 857

JACK BEASLEY,
Plaintiff

- vs -

J. H. BELL, JR., et al
Defendants

MOTION TO DISMISS THE

CASE

*Filed
Good
May 3 1944*

JOHNSTON, McCALL & JOHNSTON
~~SAMMONS & WOOD~~ JOHNSTON
LAWYERS
FIRST NATIONAL BANK ANNEX
MOBILE, ALABAMA

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