1145

HOUSTON LAVENDAR HINSON, PLAINTIFF	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	)	
PEOPLE'S ICE CO., A Corporation, DEFENDANT.	)	AT LAW NO. 1145.

Comes the defendant in the above entitled cause and demurs to Counts One and Two of plaintiff's complaint, and as grounds therefor sets up the following separate and several grounds of demurrer.

1. Said counts allege no cause of action against this defendant.

2. From aught that appears in said counts, the alleged assault and battery was a personal difficulty between the plaintiff and H. O. Nowling.

3. Said counts set out the breach of no duty owed to the plaintiff by this defendant.

4. No facts are alleged to show that the defendant's servant, agent or employee was acting within the line and scope of his employment in striking the plaintiff.

5. The phrase "while acting within line and scope of his employment" is a conclusion of the pleader, unsupported by facts.

Lyons Thomas & Pyper
Attorneys for Defendant.

J. B. Blackburn
Attorney for Defendant.

RECORDED

FILED
MAR 24 1948
ALICE J. DUCK, Clerk

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY
No. XXXXXX 1145
_____ TERM, 194____

TO ANY SHERIFF OF THF STATE OF ALABAMA:

You Are Hereby Commanded to Summon Peoples Ice Company, A Corporation

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

Peoples Ice Company, A Corporation, Defendant

by

Houston Lavander Hinson, Plaintiff

Witness my hand this 25th day of February 1948

Alice J. Veach, Clerk.

No. 1145 Page

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

HOUSTON LAVANDER HINSON

Plaintiffs

vs.

PEOPLES ICE COMPANY, A CORPORATION

Defendants

SUMMONS and COMPLAINT

Filed 2- 25- , 1948

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

, 194

, Sheriff

I have executed this summons

this , 194

by leaving a copy with

Sheriff

Deputy Sheriff

C O M P L A I N T.

HOUSTON LAVANDER HINSON,	)	LAW NO. 1145
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
PEOPLES ICE COMPANY, A CORPORATION,	)	AT LAW.
Defendant.	)	

C O U N T O N E.

Plaintiff claims of the defendant the sum of $1500.00, damages, for an assault and battery committed on the plaintiff by H. O. NOWLING, a servant or agent of the defendant, while acting within the line and scope of his employment, on, to-wit: October 11, 1947. Plaintiff avers that as a proximate result of said assault and battery aforesaid plaintiff was injured in this: he was cut and bruised about the face and head; he suffered a concussion of the brain; he was made sick, sore, lame and disordered, and was confined to his bed under the care of the doctor for several weeks; all of which was a proximate result of said assault and battery aforesaid, whence he sues.

C O U N T T W O.

Plaintiff claims of the defendant the sum of $1500.00, damages, for an assault and battery committed on the Plaintiff, by H. O. NOWLING, a servant or agent of defendant, while acting within the line and scope of his employment, on, to-wit: October 11, 1947; Plaintiff avers that as a direct and proximate result of said unlawful assault that plaintiff was injured in this , that Plaintiff was greatly wounded and bruised on his head, face and body, and was caused to suffer great mental pain and physical pain, and was subjected to great humiliation, indignation and shame, and was made sick and was caused to lose much time from his work, all to plaintiff's damage as aforesaid; wherefore Plaintiff sues.

Telfair J. Mashburn Jr.
ATTORNEY FOR PLAINTIFF.

Plaintiff demands a trial by jury.
Telfair J. Mashburn Jr.

NO. 1145

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

****

HOUSTON LAVANDER HINSON,

Plaintiff,

VS.

PEOPLE'S ICE COMPANY, A

CORPORATION,

Defendant.

****

SUMMONS AND COMPLAINT.

Filed 2-24-48
Alice J. Duck

T. J. MASHBURN, JR.
LAWYER
BAY MINETTE, ALABAMA

Received in Sheriff's Office
this 25 day of Feb, 1948
TAYLOR WILKINS, Sheriff

Executed Feb. 25 1948
by serving copy of within Summons and
Complaint on

H. D. Rowling agent for
Peoples Ice Co. a Corp.

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

Received in Sheriff's Office
this day of 194
TAYLOR WILKINS, Sheriff

HOUSTON LAVENDAR HINSON, PLAINTIFF	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	)	
PEOPLE'S ICE CO., A CORPORATION, DEFENDANT	)	AT LAW NO. 1145.

Comes the defendant in the above entitled cause and pursuant to Section 477 , Title 7 , of the Code of Alabama of 1940, propounds the following interrogatories to the plaintiff:

1. Are you related by blood or marriage to H. O. Nowling?

2. Is it not a fact that prior to the matters alleged in your complaint, that you had worked for the defendant in this cause?

3. If you answer the above question in the affirmative, please state whether or not you were discharged from said employment, and if so, by whom.

4. Is it not a fact that you and Mr. Nowling had a personal grievance over your being discharged by the People's Ice Co.?

5. Immediately prior to the alleged assault set out in your complaint, please state what was said by you to Mr. Nowling.

6. Immediately before the alleged assault set out in your complaint, please state what was said to you by Mr. Nowling.

7. Please give the entire conversation as nearly as you can, which took place between you and Mr. Nowling immediately prior to the alleged assault.

8. Please state what provoked said assault.

9. Please state why you and Mr. Nowling had a fight on the date complained of.

10. Is it not a fact that this fight was the result of a personal grievance between you and Mr. Nowling?

J. B. Blackburn
ATTORNEY FOR THE DEFENDANT

Lyons Thomas & Pope
ATTORNEYS FOR THE DEFENDANT.

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, Daniel H. Thomas, who being by me first duly sworn, deposes and

says that he is one of the attorneys of record for the defendant in the above entitled cause and that the answers to the above and foregoing interrogatories, if well and truly made, will be material evidence for the defendant in a trial of this cause.

Daniel H. Thomas

Daniel H. Thomas

Subscribed and sworn to before me this the 9th day of August, 1948.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Service accepted and further notice waived
this 10th day of August, 1948.

Attorney for Plaintiff.

1163

ORIGINAL
INTERROGATORIES TO PLAINTIFF.

HOUSTON LAVENDAR HINSON,

Plaintiff,

VS.

PEOPLE'S ICE CO., A CORPORATION,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 1145.

Filed 8-11-48
Reid J. Duck
Clerk