

THOMAS V. WARD

PLAINTIFF

VS

LUDWIG PHILDIUS, ET AL,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1147

Now come the Defendants, Ludwig Phildius and J. A. Hawkins, separately and severally, and for answer to the Plaintiff's complaint, and each and every allegation therein contained say:

1.


That they are not guilty.

2.

That the Plaintiff was guilty of negligence which proximately contributed to the injuries and damages complained of.

3.

That the Defendant, J. A. Hawkins, claims of the Plaintiff Thomas V. Ward, by way of recoupment the sum of ONE THOUSAND (\$1000.00) DOLLARS damages, for that heretofore, on to-wit, the 28th day of February, 1947, at the time and place alleged in the Plaintiff's complaint, the said Plaintiff, Thomas V. Ward, negligently and without warning, stopped his automobile on the highway alleged in the Plaintiff complaint, and as a proximate result of the negligence on the part of the Plaintiff, the said Defendant's car was caused to run into or come in contact with the automobile of the Plaintiff, and as a proximate consequence of said negligence the said automobile truck of the said Defendant, J. A. Hawkins was damaged as follows: radiator and grill bent and broken; fender bent; hood damaged; wheels damaged; glasses broken, and his automobile truck was otherwise damaged.


Attorney for the Defendants
Ludwig Phildius and J. A. Hawkins.

1147

THOMAS V. WARD

PLAINTIFF

VS

LUDWIG PHILDIUS, ET AL,

DEFENDANTS

ANSWER

FILED
APR 2 1948
ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ludwig Phildius, J. A. Hawkins, Joe McPhillips and J. A. Hawkins and Joe McPhillips, as Partners doing business under the firm name and style of Fairhope Farmers Supply and Hatchery Company; to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same, then and there to answer the Complaint filed against them by Thomas V. Ward.

Witness my hand this 27th day of February, 1948.

Alise J. Clark
Clerk of the Circuit Court.

* * * * *

THOMAS V. WARD,

Plaintiff,

VS.

LUDWIG PHILDIUS, J. A.
HAWKINS, JOE McPHILLIPS
and J. A. HAWKINS & JOE
McPHILLIPS, as Partners
doing business under the
firm name and style of Fair-
hope Farmers Supply and Hat-
chery Company,

Defendants.

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

1. The Plaintiff claims of the Defendants Five Thousand Dollars (\$5000.00) as damages, for that, heretofore, on, to-wit, the 28th day of February, 1947, the Defendant, Ludwig Phildius, the agent, servant or employee of the other said Defendants who was then and there acting within the line and scope of his authority, so negligently operated a motor truck on United States Highway Number 90 at the foot of the hill at what is known as Spanish Fort in Baldwin County, Alabama that the said truck was driven into, on or

against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's back was injured, his left leg was bruised and his new Oldsmobile automobile was demolished in the wreck. Plaintiff avers that he suffered such injuries and damages as a proximate consequence of the aforesaid negligence of the Defendants.

J. B. Blackman
Attorney for Plaintiff.

Plaintiff demands a trial of this cause by jury.

J. B. Blackman,
Attorney for Plaintiff.

1147
ORIGINAL
SUMMONS AND BILL OF COMPLAINT

THOMAS V. WARD,
Plaintiff,

VS.

LUDWIG PHILDIUS, J. A. HAWKINS, JOE
McPHILLIPS & J. A. HAWKINS & JOE Mc-
PHILLIPS, as Partners doing business
under the firm name and style of
Fairhope Farmers Supply and Hatchery
Company,

Defendants.

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

FILED
FEB 27 1948
ALICE J. DUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received in Sheriff's Office
this 27 day of Feb, 1948
TAYLOR WILKINS, Sheriff

Executed March 19 48
by serving copy of within Summons and
Complaint on

Joe Mc Phillips 3-2-48
J. A. Hawkins 3-2-48
Ludwig Philidius 3-8-48
J. A. Hawkins 3-8-48
Taylor Wilkins Sheriff
By H. G. Half Deputy Sheriff