

1191

JESSE C. RICHARDS,

Plaintiff,

vs. J. C. VAN LIEROP, individually,  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. \_\_\_\_\_

M O T I O N

Comes the plaintiff in the above styled cause and shows unto the Court that the defendant, J. C. Van Lierop, individually and doing business as Hartford Farms, has failed to answer interrogatories propounded to him by the plaintiff heretofore on, to-wit, the 19th. day of February, 1949, although more than sixty (60) days have elapsed since a copy of such interrogatories was served on the defendant.

WHEREFORE, plaintiff moves the Court to enter an order either attaching the defendant and causing him to answer such interrogatories in open Court, or taxing him with so much cost as may be just and continuing the cause until full answers are made, or directing a judgment by default to be entered, or rendering such judgment or decree as would be appropriate if the defendant offered no evidence or granting the plaintiff such other relief as the Court may deem proper.

*Johnston, McCall & Johnston*  
*Ryba, Cheson & Stone*  
Attorneys for the Plaintiff

RECORDED

*Motion*

*Filed 10-22-49*

*Wm. J. Neuch  
clerk*

JESSE C. RICHARDS, ( )

Plaintiff, ( )

- vs - ( )

J. C. VAN LIEROP, individually, ( )  
and doing business as Hartford  
Farms, ( )

Defendant. ( )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Now comes the defendant, J. C. Van Lierop, in the above entitled cause and moves the Court to set aside the verdict of the jury and the judgment rendered thereon and grant to the defendant a new trial and for grounds of said motion the defendant sets down and assigns separately and severally the following:-

I.

That the verdict of the jury is contrary to the evidence in the case.

II.

That the verdict of the jury is contrary to the law in the case.

III.

That the verdict of the jury is contrary to the evidence and the law in the case.

IV.

That the verdict was contrary to the great preponderance of evidence in the case.

V.

That the verdict was contrary to the weight of evidence in the case.

VI.

That the plaintiff failed to prove a prima facie case.

VII.

That the Court erred in refusing to allow testimony of an expert witness placed on the stand for the purpose of proving the similarity of conditions in order that an experiment might be performed out of Court.

VIII.

The Court erred in refusing to allow testimony showing

conditions existing at a point where an experiment was proposed to be similar to those prevailing at the time of the occurrence involved in the controversey.

IX.

The Court erred in refusing to poll the jury in order to determine whether they desired to view an experiment if conditions were shown to be similar to those prevailing at the time and place of the occurrence involved in the controversey.

X.

The Court erred in refusing to allow the defendant to make or perform an experiment before the jury under conditions similar and like circumstances to those existing in the case at issue.

XI.

The Court erred in refusing defendant's motion that the jury be questioned as to whether an experiment would be desired in order to give the jury a clearer understanding of the case at issue if made under similar conditions.

XII.

The Court erred in refusing to hear evidence upon the preliminary question of similarity of conditions.

XIII.

The Court erred in charging the jury to the effect that an employer is liable for acts of employees just as though he had committed those acts personally.

XIV.

The Court erred in charging the jury that the plaintiff was under no duty to examine the nozzles to assure their safety.

XV.

The oral charge to the jury was in error.

XVI.

The Court erred in failing to correct a mis-statement of law made to the jury in the oral charge after objection and exception by the defendant.

XVII.

The Court erred in over-ruling defendant's demurrers to the Bill of Complaint filed in this case.

XVIII.

The verdict of the jury was contrary to the law as declared by the Court in its instructions given at the written request of the defendant.

XIX.

The verdict of the jury was contrary to the law as declared by the Court in its oral charge.

XX.

The Court erred to defendant's prejudice in instructing the jury in its oral charge as follows: That the defendant was liable for the acts of his employees just as though he had committed those acts himself; that the plaintiff was under no duty to examine the nozzles to assure himself of their safety, to which charge, the defendant then and there, and in the presence of the jury, and before the jury retired, duly and legally excepted.

XXI.

The Court erred in refusing to give an affirmative charge at the request of the defendant.

XXII.

That there was a variance between the pleadings and the proof by the plaintiff.

XXIII.

That there was a failure of proof of the matters alleged on the part of the plaintiff.

XXIV.

That the evidence in the case was not sufficient to sustain the cause of action alleged.

XXV.

That the plaintiff failed to prove all matters necessary for a judgment under the Employers Liability Act.

XXVI.

That there was a variance in the pleadings and proof by the plaintiff which mis-led the defendant to his prejudice in maintaining his defense.

XXVII.

That there was no substantial conformity between the alle-

gations and the testimony as to the manner or cause of the alleged injury.

XXVIII.

That the Court erred in over-ruling separately and severally the demurrers to Counts 1, 2, 3, 4, 5, 6, 7, 8 and 9 of plaintiff's complaint.

XXIX.

The Court erred.

XXX.

The Court erred in refusing to give the jury the following charges seasonably requested in writing by the defendant:-

The Court charges the jury that the Plaintiff, if employed by the defendant in connection with the sprinkler system used in the field of the employer, had a duty to report to the employer, or one superior to himself engaged in the service or employment of the employer, any knowledge of any defect in the sprinkler system;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 3 of the complaint;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 4 of the complaint;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 5 of the complaint;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 6 of the complaint;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 7 of the complaint;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 8 of the complaint;

The Court charges the jury that if the plaintiff was charged with the duty to remedy any defect in the sprinkler system used in the irrigation of the fields of the defendant and the plaintiff, after knowledge of defects, failed to remedy said defects, it is contributory negligence on the part of the plaintiff if his injury was subsequently caused by this defect;

The Court charges the jury that temporary contrivances are not a part of the ways, works, machinery or plant of an employer under the Employers Liability Act of the State of Alabama;

The Court charges the jury that if the plaintiff were one of the persons whose duty it was to remedy any defect in the sprinkler system of the employer and on his failing so to do, subsequent use of this sprinkler system in injury constitutes contributory negligence on the part of the plaintiff;

The Court charges the jury that if you believe the evidence in the case you cannot find for the plaintiff;

The Court charges the jury that if you believe the evidence you cannot find for the plaintiff under Count 2 of the complaint;

6-6-50 motion for new trial denied.

Selfair J. Mashburn, Jr.  
Judge.

70 11 91 RECORDED

MOTION FOR A NEW TRIAL

JESSE C. RICHARDS,

Plaintiff,

- VS -

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

APR 19 1950

W. J. HUGHES, Clerk  
CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA

JESSE C. RICHARDS,

Plaintiff,

-vs-

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

) (

) (

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) (

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) (

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Now comes the defendant, J. C. Van Lierop, and for answer to the plaintiff's complaint and each count thereof separately and severally says:

I.

That he is not guilty of the matters alleged therein.

II.

That the plaintiff, at the time and place alleged, was guilty of negligence, proximately contributing to the injuries and damages complained of.

*[Signature]*  
ally for defendant



701191  
RECORDED

*Answer*

FILED  
MAR 27 1950  
ALICE J. DUCK, Register

JESSE C. RICHARDS,	)	(	
Plaintiff,	)	(	IN THE CIRCUIT COURT OF
-vs-	)	(	BALDWIN COUNTY, ALABAMA
J. C. VAN LIEROP, individually,	)	(	AT LAW
and doing business as Hartford Farms,	)	(	
Defendant.	)	(	

Comes the defendant in the above entitled cause and demurs to the ammended complaint of the plaintiff which contains Counts XIII and IX and separately and severally to each Count thereof and for grounds of demurrer assigns separately and severally the following:

I. Permanency of equipment and appliances alleged to be defective must be shown by the plaintiff in attempt to recover under Sub-Section 1, Section 326 of Employers Liability Act.

II. For ought that appears in the complaint the equipment and appliances of the defendant may have been temporary.

III. The alleged negligence of the defendant is not set forth with sufficient certainty.

IV. The complaint does not allege sufficient facts to show that injury was the proximate result of defects of equipment of the defendant.

V. The statement in the complaint, "as a proximate result of the defendant negligence in permitting the aforementioned machinery to become worn and defective" is a mere conclusion of the pleader.

VI. The complaint does not allege sufficient facts to show that the injury was a result of the negligence of the employer.

VII. For ought that appears in said complaint, plaintiff knew of the defects causing the injury and failed to give information thereof to the master or employer or to some person superior to himself engaged in the service or employment of the master or employer, nor is the master, employer or superior shown to have had knowledge of the defects.

VIII. For ought that appears in said complaint, plaintiff knew of the defects causing the injury and failed to give information thereof to the master or employer or to some person superior to himself engaged in the service or employment of the master or employer, nor is the master, employer or superior shown to have had

knowledge of the negligence.

IX. The complaint affirmatively shows that plaintiff was in charge of the equipment alleged to have caused the injury, therefore had a duty under the Employers Liability Act to inform his employer or a superior of any defects, which facts must be alleged in the complaint.

X. For ought that appears plaintiff was intrusted with the duty of seeing that the ways, works, machinery or plant of the defendant were kept in proper condition.

XI. The allegations of knowledge of defect as required by Employers Liability Act are not alleged in said complaint.

XII. The allegations of lack of knowledge of defects required by the Employers Liability Act are not met.

XIII. The allegations of knowledge of negligence required by the Employers Liability Act are not met.

XIV. Negligence necessary to allow recovery under the Employers Liability Act is not alleged.

XV. It is affirmatively stated in said complaint that plaintiff was responsible for the condition of irrigation equipment thereby barring under the Employers Liability Act recovery on the grounds that equipment was defective, notice of its condition not being shown to have been given to defendant or a superior.

XVI. For ought that appears in said complaint there was no duty on the part of the defendant, his servants, agents or employees to inform plaintiff of the fact that water was pumped through nozzels or of the pressure thereof.

XVII. Statement in complaint that failure to warn plaintiff of danger is a conclusion of the pleader.

XVIII. Wording of the complaint is ambiguous and confusing in that it appears that no water was coming from the nozzle prior to the moment that plaintiff was struck by a stream of water.

XIX. Wording of the complaint is ambiguous and confusing wherein it states that nozzle had stopped working as this would indicate that no water was issuing therefrom.

XX. Said complaint is vague and indefinite.

XXI. The counts of said complaint state no cause of action against the defendant.

XXII. The alleged negligence of the defendant is not set forth with sufficient certainty.

XXIII. The alleged injury to the plaintiff is not set forth with sufficient certainty.

XXIV. Plaintiff's physical condition prior to the alleged injury should be set forth so that the extent of his injury can be determined with certainty.

XXV. No facts are alleged to support the averments of negligence of the defendant.

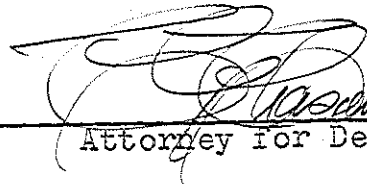
XXVI. The counts of the complaint are uncertain and indefinite as to averments showing the manner in which the negligence of the defendant caused injury to the plaintiff.

XXVII. The direction to approach the nozzle is not shown to have been given by authority of the defendant.

XXVIII. The defendant, his agents or servants are not shown to have had knowledge of the danger of approaching nozzels.

XXIX. For ought that appears the nozzels were operating at the time of the alleged injury and plaintiff might have inspected these nozzels thereby rendering unnecessary instructions by the defendant as to the method of their operation.

XXX. Water or irrigation appliances not being known as a dangerous instrumentality, complaint must show knowledge of danger on the part of the defendant or his agents or servants.



Attorney for Defendant

1191

RECORDED

D E M U R R E R S

JESSE C. RICHARDS,

Plaintiff,

-VS-

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms.

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

*Filed 3-27-50*

**FILED**

CECIL G. CHASON  
ATTORNEY AT LAW

ALICE J. DUSKA  
REGISTER

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. \_\_\_\_\_

Comes the plaintiff in the above entitled cause and amends  
his Complaint by adding the following Counts.

COUNT EIGHT

The plaintiff claims of the defendant the sum of THIRTY  
THOUSAND and no/100 (\$30,000.00) DOLLARS as damages for that  
on, to-wit, the 20th. day of May, 1947, the defendant was  
engaged in operating a nursery near Foley, Baldwin County, Ala-  
bama, and in connection with the operation of said nursery, the  
defendant used an irrigation system to water the cultivated  
plants, said irrigation system consisting of pipes running  
through the various fields with rotating nozzles for the out-  
let of the water; and the plaintiff, while acting within the  
line and scope of his employment as a servant of the defendant,  
at said time and place, was aiding in the irrigation of said  
field, his duty being to watch the various nozzles which were  
attached to the aforementioned water pipes and to insure that  
they were constantly rotating. On the aforesaid date, the  
plaintiff in the course of his employment, observed that <sup>one</sup> of said  
nozzles was not turning and he went over to the same to start  
it with his hands. When the plaintiff approached within a  
few feet of said nozzle, the same began to turn, shooting a stream  
of water into both his eyes; and the plaintiff alleges that the  
defendant negligently permitted the works, machinery and appliances  
used in his said business to become defective in that the afore-  
said irrigation equipment was negligently permitted to become  
old, worn and defective and as a proximate result of the defendant's

negligence in permitting the aforesaid machinery, works and appliances to become worn and defective the plaintiff suffered the following damages;

His right eye was so severely damaged that it was necessary to remove same. His left eye was so severely damaged that he has now only twenty per cent (20%) vision in the same and he incurred considerable expense with doctors' and hospital bills.

WHEREFORE plaintiff sues and asks judgment in the foregoing amount.

#### COUNT NINE

The plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS as damages for that on, to-wit, the 20th. day of May, 1947, the defendant, its servants and agents was engaged in the operation of a nursery near Foley, Baldwin County, Alabama, and that in connection therewith and accessory thereto, the defendant operated an irrigation system to water the cultivated plants, said irrigation system consisting of pipes running through the various fields with rotating nozzles attached, through which water was pumped. Plaintiff alleges that on the said day, he was in the employment of the defendant, working in the capacity of a laborer, one of his duties being to watch the aforementioned nozzles to insure that they were constantly rotating. And plaintiff alleges that while he was so employed, he approached one of said nozzles of the irrigation system which was not turning, intending to start same with a slight push with his hand, and when he was within a few feet of said nozzle, the same began to turn shooting a stream of water into both his eyes, resulting in the damages mentioned below. And plaintiff alleges that the injuries which he suffers resulted from and were caused by reason of defects in the condition of the works, machinery or appliances used in the business of the defendant as aforesaid which

defects consisted in this: The defendant, his agents or servants, acting within the line and scope of their employment as such, negligently permitted the aforesaid nozzles and irrigation equipment to become old, corroded, worn and defective. As a proximate result of defendant's negligence in permitting the aforesaid machinery, works and appliances to become defective, the plaintiff suffered the following damages;

His right eye was so severely damaged that it was necessary to remove same. His left eye was so severely damaged that he has now only twenty per cent (20%) vision in the same and he incurred considerable expense with doctors and hospital bills.

WHEREFORE plaintiff sues and asks judgment in the foregoing amount.

*Johnston McCall & Johnston*

*My best & Cheson*

*Atty 2 for Plaintiff*



*Amended Complaint*

RECORDED

Filed: 1-10-50.

*Jeffrey J. Mashburn, Jr.*  
*Judge*

JESSE C. RICHARDS,

Plaintiff,

-vs-

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the defendant in the above entitled cause and demurs to the amended complaint of the plaintiff and separately and severally to each count thereof and for grounds of demurrer assigns separately and severally the following:-

1. Permanency of equipment and appliances alleged to be defective must be shown by the plaintiff in attempt to recover under Sub-Section 1, Section 326 of Employers Liability Act.

2. For ought that appears in the complaint the equipment and appliances of the defendant may have been temporary.

3. The alleged negligence of the defendant is not set forth with sufficient certainty.

4. The complaint does not allege sufficient facts to show that injury was the proximate result of defects of equipment of the defendant.

5. The statement in the complaint, "as a proximate result of the defendant negligence in permitting the aforementioned machinery to become worn and defective" is a mere conclusion of the pleader.

6. The complaint does not allege sufficient facts to show that the injury was a result of the negligence of the employer.

7. For ought that appears in said complaint, plaintiff knew of the defects causing the injury and failed to give information thereof to the master or employer or to some person superior to himself engaged in the service or employment of the master or employer, nor is the master, employer or superior shown to have had knowledge of the defects.

8. For ought that appears in said complaint, plaintiff knew of the defects causing the injury and failed to give information thereof to the master or employer or to some person superior to himself engaged in the service or employment of the master or employer,

nor is the master, employer or superior shown to have had knowledge of the negligence.

9. The complaint affirmatively shows that plaintiff was in charge of the equipment alleged to have caused the injury, therefore had a duty under the Employers Liability Act to inform his employer or a superior of any defects, which facts must be alleged in the complaint.

10. For ought that appears plaintiff was intrusted with the duty of seeing that the ways, works, machinery or plant of the defendant were kept in proper condition.

11. The allegations of knowledge of defect as required by Employers Liability Act are not alleged in said complaint.

12. The allegations of lack of knowledge of defects required by the Employers Liability Act are not met.

13. The allegations of knowledge of negligence required by the Employers Liability Act are not met.

14. Negligence necessary to allow recovery under the Employers Liability Act is not alleged.

15. It is affirmatively stated in said complaint that plaintiff was responsible for the condition of irrigation equipment thereby barring under the Employers Liability Act recovery on the grounds that equipment was defective, notice of its condition not being shown to have been given to defendant or a superior.

16. For ought that appears in said complaint there was no duty on the part of the defendant, his servants, agents or employees to inform plaintiff of the fact that water was pumped through nozzels or of the pressure thereof.

17. Statement in complaint that failure to warn plaintiff of danger is a conclusion of the pleader.

18. Wording of the complaint is ambiguous and confusing in that it appears that no water was coming from the nozzle prior to the moment that plaintiff was struck by a stream of water.

19. Wording of the complaint is ambiguous and confusing wherein it states that nozzle had stopped working as this would indicate that no water was issuing therefrom.

20. Said complaint is vague and indefinite.

21. The counts of said complaint state no cause of action against the defendant.

22. The alleged negligence of the defendant is not set forth with sufficient certainty.

23. The alleged injury to the plaintiff is not set forth with sufficient certainty.

24. Plaintiff's physical condition prior to the alleged injury should be set forth so that the extent of his injury can be determined with certainty.

25. No facts are alleged to support the averments of negligence of the defendant.

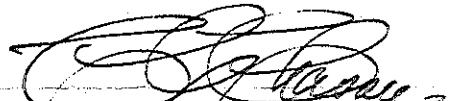
26. The counts of the complaint are uncertain and indefinite as to averments showing the manner in which the negligence of the defendant caused injury to the plaintiff.

27. The direction to approach the nozzle is not shown to have been given by authority of the defendant.

28. The defendant, his agents or servants are not shown to have had knowledge of the danger of approaching nozzles.

29. For ought that appears the nozzles were operating at the time of the alleged injury and plaintiff might have inspected these nozzles thereby rendering unnecessary instructions by the defendant as to the method of their operation.

30. Water or irrigation appliances not being known as a dangerous instrumentality, complaint must show knowledge of danger on the part of the defendant or his agents or servants.

  
Attorney for Defendant

1191

RECORDED

DEMURRER TO  
AMENDED COMPLAINT

FILED

NOV 27 1948

ALICE J. DUCK, Clerk

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. No. \_\_\_\_\_

Comes the plaintiff in the above entitled cause and  
amends his Complaint by adding the following counts:

COUNT FIVE

The plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that on, to-wit, the 20th day of May, 1947, the defendant was engaged in operating a nursery near Foley, Alabama, and as a part of his equipment and appliances used in connection with said nursery, the defendant used an irrigation system to water his flowers, said irrigation consisting of pipes running through his fields with nozzles for spraying the water over said fields; and the plaintiff, while acting within the line and scope of his employment as a servant of the defendant, at said time and place, was aiding in watering these fields, his duties being to watch the nozzles which were attached to the aforementioned pipes to see that they were turning and operating properly. One of said nozzles was not turning, and the plaintiff went over to the same to start it with his hands. When he approached within a few feet of said nozzle, the same began to turn, shooting a stream of water into both his eyes, damaging them; and the plaintiff alleges that the defendant negligently permitted said nozzles to become old and in a worn and defective condition and as a proximate result of the defendant's negligence in permitting the aforementioned machinery to become worn and defective, the plaintiff suffered the following

damages:

His right eye was so severely damaged that it was necessary to remove the same. His left eye was so severely damaged that he now has only twenty percent (20%) vision in the same; and incurred expense for doctors' and hospital bills.

Wherefore, plaintiff sues and asks judgment in the foregoing amount.

COUNT SIX

Plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that, on, to-wit, the 20th day of May, 1947, the plaintiff was employed as a servant of the defendant, and working for him at his nursery near Foley, Alabama; and the plaintiff alleges that while so employed and while acting within the line and scope of his employment as such, at said time and place, he was instructed by his immediate supervisor to watch an irrigation system, which consisted of a series of pipes with nozzles attached, used for the purpose of watering the defendant's fields, and the plaintiff was further instructed by said supervisor, in the event any of the nozzles were not operating, that the plaintiff was to start the same turning with his hands; and the plaintiff further alleges that he was not familiar with this work, having been employed by the defendant for only one week, and that he had never, prior to this time, performed the duties in connection with the irrigation of the fields. The plaintiff further alleges that in attempting to perform his duties as he was instructed, he approached a nozzle that had stopped working, for the purpose of starting the same, and that when he was a few feet away from said nozzle, it suddenly began operating, shooting a stream of water into his eyes, damaging them, and the plaintiff says that the defendant, his servants, agents or employees were negligent in failing to warn the plaintiff of the danger of approaching said nozzles, and of the fact that the water was pumped through

said pipes and nozzles under very high pressure, and the plaintiff says that as a proximate result of the negligence of the defendant, his right eye was so severely injured and damaged that it was necessary to remove the same; his left eye was so severely injured and damaged that he now has only twenty percent (20%) vision in the same; that he was put to great expense for doctors' and hospital bills.

Wherefore, plaintiff brings this suit and asks damages in the above amount.

#### COUNT SEVEN

The plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that, on, to-wit, the 20th day of May, 1947, the defendant was engaged in operating a nursery near Foley, Alabama, and as a part of his equipment and appliances used in connection with said nursery, the defendant operated an irrigation system to water his fields. Said irrigation system consisted of a system of pipes running through his fields with nozzles attached to the same, with the purpose of spraying the water over said fields and at the time and place complained of, the plaintiff was employed to aid in the operation of this irrigation system, and while so engaged, he was under the immediate supervision of an employee who was in charge of the operation of the irrigation system and the plaintiff alleges that while he was performing his duties, that he was directed by him immediate supervisor that if any of the nozzles stopped turning or operating properly, that he was to approach said nozzle and start the same to operating with his hands. The plaintiff alleges that his immediate supervisor was negligent in directing him to approach these nozzles while there was pressure in said pipes, as water was forced through said pipes at a high pressure, and the plaintiff alleges that as a proximate result of the negligence of the defendant's supervisor, that



he was injured and damaged as follows:

His right eye was so severely damaged that it was necessary to remove the same. His left eye was so severely damaged that he now has only twenty percent (20%) vision in the same; and incurred expense for doctors' and hospital bills.

Wherefore, plaintiff sues and asks judgment in the foregoing amount.

Hyball & Sasser  
Johnston McCall & Johnston  
Attorneys for Plaintiff

Plaintiff demands a trial by jury in the above entitled cause.

Hyball & Sasser  
Johnston McCall & Johnston

We the Jury find for the  
Plaintiff and assess his damages \$1500.00  
in the sum of \$1500.00  
J. M. Duke

RECV  
AMENDED COMPLAINT

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as Hartford  
Farms.

Defendant.

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

Filed October 5th, 1948.

Reece J. Leach  
Clerk.

LAW OFFICES  
**HYBART & CHASON**  
BAY MINETTE, ALABAMA

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.

AT LAW NO. \_\_\_\_\_

Comes the plaintiff and demurs to Plea two filed by the  
defendant in the above cause on the following separate and  
several grounds:

1. Because said plea does not state a defense as a matter  
of law.
2. Because the plaintiff cannot as a matter of law be  
charged with contributory negligence.
3. Because no facts are averred which show contributory  
negligence on the part of the plaintiff.
4. Because said plea merely states a conclusion of the  
pleader.

Johnston, McCall + Johnston

Cheson + Stone

Attorneys for Plaintiff.

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. \_\_\_\_\_

Now comes the defendant, J. C. Van Lierop, individually and doing business as Hartford Farms, the defendant in the above entitled cause, through his attorney, appearing specially and solely for the purpose of filing this plea in abatement and for no other purpose, and shows unto the court as follows:

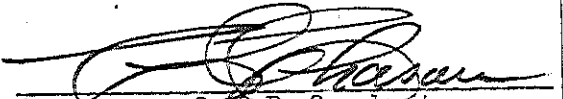
That the complaint filed by the plaintiff in the above entitled cause contains four counts; that the first count is verified by the affidavit of the plaintiff which sets out that the defendant is subject to the Workmen's Compensation laws of the State of Alabama; that the remainder of the counts are common counts; that according to the Laws of the State of Alabama, the rights and liabilities affixed by the so called Workmen's Compensation Act are exclusive to all parties affected thereby; that under and by virtue of this ruling, counts two, three and four of the plaintiff's Bill of Complaint could not be joined with count one if the defendant was subject to the Workmen's Compensation Act and that count one could not be joined with counts two, three and four if the defendant was not subject to the so called Workmen's Compensation Act; that on, to-wit, the 20th day of May, 1947, the date on which plaintiff in his complaints claims to have been injured through the alleged negligence of the defendant or his agents or servants, the defendant was engaged in the operation of a farm thereby believes himself to be, under the Workmen's Compensation laws, <sup>exempt</sup> from the operation of this act.

Wherefore, defendant alleges that this suit was improperly filed, that there must be an election of remedies, and the defendant believes and so alleges that plaintiff's sole and exclusive remedy is under the common counts therefore defendant prays that this suit be abated and that he be discharged hence with reasonable

cost in his behalf expended.

J. C. Van Lierop,  
Defendant,

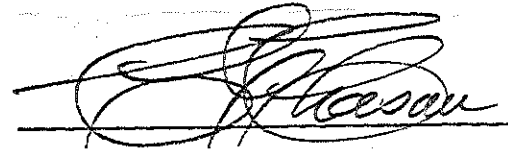
By

  
Attorney for Defendant,  
appearing specially.

STATE OF ALABAMA

BALDWIN COUNTY

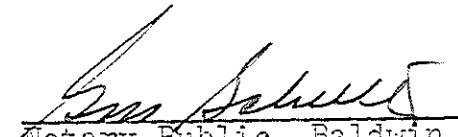
Before me, Gus Schultz, a Notary Public in and  
for said County in said State, personally appeared C. G. Chason, who  
being by me first duly and legally sworn, deposes and says that he  
is the attorney for J. C. Van Lierop, a non-resident, the defendant  
in the above entitled suit; that he is appearing specially and that  
he is authorized to make this affidavit in behalf of the said J. C.  
Van Lierop; that he is cognizant of the facts hereinabove stated  
and that the facts stated in the foregoing plea in abatement are  
true to the best of his knowledge, information and belief.



Sworn to and subscribed before me on this the 19th day of

June, 1948.

(affix seal)

  
Notary Public, Baldwin County  
State of Alabama

~~RECORDED~~  
RECORDED

1190  
RECORDED

PLEA IN ABATEMENT

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. \_\_\_\_\_

*Filed  
6-21-48  
A. J. HICK  
Register*

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

JESSE C. RICHARDS,

Plaintiff,

-VS-

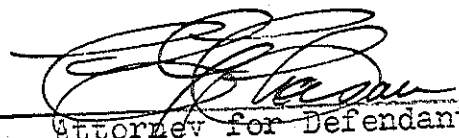
J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the defendant, J. C. Van Lierop and demurs to the bill of complaint filed in said cause and on the following separate and several grounds:

1. Because there has been a misjoinder of counts in said complaint.
2. Because it is necessary for the complainant to make an election of remedies.
3. Because a complaint can not be made under common counts for negligence if defendant is subject to the Workmen's Compensation Act of the State of Alabama.

  
Attorney for Defendant

RECORDED

1191

-DEMURRER-

JESSE C. RICHARDS,

Plaintiff,

--VS--

J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

FILED

OCT 4 1948

ALICE J. DUCK, Register

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA



JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. \_\_\_\_\_

Comes now the Plaintiff, Jesse C. Richards, and demurs to the plea filed by the Defendant in the above entitled cause on the following separate and several grounds:

1. Because the question of misjoinder of counts cannot be raised by a plea in abatement.
2. Because it does not appear that the said plea in abatement has been properly sworn to.
3. Because there is no misjoinder of counts in the Complaint.
4. Because the Complaint herein does not contain inconsistent forms of action.
5. Because the Plaintiff's sole and exclusive remedy is not under the common counts.
6. Because it is not necessary that the Plaintiff make an election between Count One and Counts Two, Three and Four set out in the Complaint.
7. Because the said plea in abatement does not contest the legal sufficiency of any count in the said Complaint.
8. Because the question of the necessity of election of remedies cannot be raised by a plea in abatement.

*Hybert & Rouse*  
Attorneys for Plaintiff

*Johnston M. Call & Johnston*

RECORDED

DEMURRER TO PLEA

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,

Defendant,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 1121.

Filed this 13<sup>th</sup> day of July,  
1948.

Alice J. Smith  
Clerk.

STATE OF ALABAMA  
MOBILE COUNTY

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA:

Now comes Jesse C. Richards and shows unto your Honor that he is an employee as defined by the Workmen's Compensation Law of Alabama; that his employer is J. C. Van Lierop; that he has suffered an injury while acting within the line and scope of his employment; that he is unable to reach settlement with his employer and that he prays for permission to secure the services of an attorney to represent him in said matter. He requests permission to secure the services of William E. Johnston of Mobile, Mobile County, Alabama, and C. L. Hybart of Monroeville, Monroe County, Alabama.

*Jesse C. Richards*  
Subscribed and sworn to before me  
this 29 day of March 1948.

*Elmer D. Widener*  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

ORDER

The foregoing having been submitted and the Court being of the opinion that said permission should be granted the said Jesse C. Richards is hereby permitted and authorized to employ William E. Johnston and C. L. Hybart, attorneys at law, to represent him in a claim for injuries arising out of an accident sustained in the line and course of his employment, while employed by J. C. Van Lierop.

*J. W. Hare*  
JUDGE

~~2078~~ 201191

RECORDED

ORDER

JESSE C. RICHARDS,  
Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms.

Defendant,

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

Filed this 12 day of April,  
1948.

Deirda Luck  
Clerk.

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT.

LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. C. Van Lierop, individually, and doing business as Hartford Farms, 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 Jesse C. Richards.

Witness my hand this 12th day of April, 1948.

Alice J. Duck  
Clerk.

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. \_\_\_\_\_

The plaintiff claims of the defendant benefits under the Workmen's Compensation Law of Alabama due and owing under the following statement of facts; on the 20th day of May, 1947, the relation of master and servant existed between the defendant, J. C. Van Lierop, and plaintiff, and plaintiff believes that he and the defendant were subject to the Workmen's Compensation Law of Alabama. While so employed and engaged in the business of the defendant, J. C. Van Lierop, and while acting within the line and scope of his employment with said defendant, plaintiff suffered an accident which arose out of and in the course of his employment; as the proximate result of said accident, plaintiff lost the sight of his right eye and the same was ultimately removed; and the vision of his left eye was so seriously impaired that he now has only approximately 20% vision in the same. Plaintiff's name is Jesse C. Richards and he resides in Foley, Alabama; defendant's name is J. C. Van Lierop. At the time of said accident, on, to-wit, the 20th day of May, 1947, plaintiff was acting within the line and scope of his employment irrigating or watering flowers on the nursery of the defendant, when a stream of water from a nozzle used to irrigate said flowers struck him in the eyes.

Plaintiff avers that defendant had prompt and immediate

notice of said accident.

Plaintiff alleges that at the time of the injury, he was receiving wages in the sum of \$35.00 per week; wherefore, plaintiff claims of the defendant, J. C. Van Lierop, such benefits as he is entitled to receive under the Workmen's Compensation Law of Alabama. He prays that notice may be given to the defendant and that a hearing may be had all in accordance with the laws and rules of this Honorable Court.

Jesse C Richards

STATE OF ALABAMA }  
MOBILE COUNTY }

Before me, Elsie I Widener, a Notary Public in and for said State and County, personally appeared Jesse C Richards, who is known to me, and who being first duly sworn, deposes on oath and says: That he has read or had read to him the foregoing petition and the statements made therein are true and correct and that he knows of his own knowledge that they are correct.

Jesse C Richards

Sworn to and subscribed before me on this the 29 day of March, 1948.

Elsie I Widener  
NOTARY PUBLIC, Mobile COUNTY, ALABAMA

### COUNT TWO

The plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that on, to-wit, the 20th day of May, 1947, the defendant was engaged in operating a nursery near Foley, Alabama, and as a part of his equipment and appliances used in connection with said nursery, the defendant used an irrigation system to water his flowers, said irrigation consisting of pipes running through his fields with nozzles for spraying the water over said fields; and the plaintiff, while acting within the line and scope of his employment as a servant of the defendant, at said time and place, was aiding in watering these fields, his duties being to watch the nozzles which were attached to the aforementioned pipes to see that they were turning and operating properly. One of said nozzles was not turning, and the plaintiff went over to the same to start it with his hands. When he approached within a few feet of said nozzle, the same began to turn, shooting a stream of water into both his eyes, damaging them; and the plaintiff alleges that the defendant negligently permitted said nozzles to become old and in a worn and defective condition and as a proximate result of the defendant's negligence in permitting the aforementioned machinery to become worn and defective, the plaintiff suffered the following damages:

His right eye was so severely damaged that it was necessary to remove the same. His left eye was so severely damaged that he now has only twenty percent (20%) vision in the same; and incurred expense for doctors' and hospital bills.

Wherefore, plaintiff sues and asks judgment in the foregoing amount.

### COUNT THREE

Plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that, on, to-wit, the 20th day of May, 1947, the plaintiff was employed as a servant of the defendant, and working for



him at his nursery near Foley, Alabama; and the plaintiff alleges that while so employed and while acting within the line and scope of his employment as such, at said time and place, he was instructed by his immediate supervisor to watch an irrigation system, which consisted of a series of pipes with nozzles attached, used for the purpose of watering the defendant's fields, and the plaintiff was further instructed by said supervisor, in the event any of the nozzles were not operating, that the plaintiff was to start the same turning with his hands; and the plaintiff further alleges that he was not familiar with this work, having been employed by the defendant for only one week, and that he had never, prior to this time, performed the duties in connection with the irrigation of the fields. The plaintiff further alleges that in attempting to perform his duties as he was instructed, he approached a nozzle that had stopped working, for the purpose of starting the same, and that when he was a few feet away from said nozzle, it suddenly began operating, shooting a stream of water into his eyes, damaging them, and the plaintiff says that the defendant, his servants, agents or employees were negligent in failing to warn the plaintiff of the danger of approaching said nozzles, and of the fact that the water was pumped through said pipes and nozzles under very high pressure, and the plaintiff says that as a proximate result of the negligence of the defendant, his right eye was so severely injured and damaged that it was necessary to remove the same; his left eye was so severely injured and damaged that he now has only twenty percent (20%) vision in the same; that he was put to great expense for doctors' and hospital bills.


Wherefore, plaintiff brings this suit and asks damages in the above amount.

COUNT FOUR


The plaintiff claims of the defendant the sum of THIRTY THOUSAND and no/100 (\$30,000.00) DOLLARS, as damages, for that, on, to-wit, the 20th day of May, 1947, the defendant was engaged in operating a nursery near Foley, Alabama, and as a part of his equipment and appliances used in connection with said nursery, the defendant operated an irrigation system to water his fields. Said irrigation system consisted of a system of pipes running through his fields with nozzles attached to the same, with the purpose of spraying the water over said fields and at the time and place complained of, the plaintiff was employed to aid in the operation of this irrigation system, and while so engaged, he was under the immediate supervision of an employee who was in charge of the operation of the irrigation system and the plaintiff alleges that while he was performing his duties, that he was directed by his immediate supervisor that if any of the nozzles stopped turning or operating properly, that he was to approach said nozzle and start the same to operating with his hands. The plaintiff alleges that his immediate supervisor was negligent in directing him to approach these nozzles while there was pressure in said pipes, as water was forced through said pipes at a high pressure, and the plaintiff alleges that as a proximate result of the negligence of the defendant's supervisor, that he was injured and damaged as follows:

His right eye was so severely damaged that it was necessary to remove the same. His left eye was so severely damaged that he now has only twenty percent (20%) vision in the same; and incurred expense for doctors' and hospital bills.

Wherefore, plaintiff sues and asks judgment in the foregoing amount.

  
\_\_\_\_\_  
Johnston M. Call & Johnston  
Attorneys for Plaintiff

Plaintiff demands a trial by jury in the above entitled cause.

  
\_\_\_\_\_  
Johnston M. Call & Johnston  
Attorneys for Plaintiff.

RECORDED

SUMMONS AND COMPLAINT

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually,  
and doing business as Hartford  
Farms.

Defendant,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed this 12 day of April,  
1948.

Alice J. Duck  
Clerk

LAW OFFICES  
HYBART & CHASON  
BAY MINETTE, ALABAMA

I hereby accept service  
of a copy of the within  
Summons & Complaint  
and Waive further  
service of same.  
Witness this 6 day  
of May 1948

[Signature]  
As Atty for J. C.  
Van Lierop, individually,  
and doing business  
as Hartford Farms.

✓

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

6 October 1948

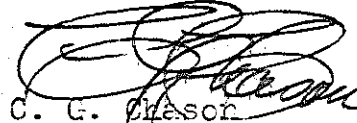
Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:-

Enclosed herewith is a demurrer to be filed as of the 4th day of October, 1948, this being merely a copy of a demurrer written in longhand during court.

A copy is being sent to the attorneys for the plaintiff.

Yours very truly,

  
C. G. Chason

CGC:lu

Encl:

cc: William E. Johnston  
Johnston, McCall & Johnston, Attys.  
First National Bank Annex  
Mobile, Alabama

Hybart & Chason, Attys.  
Bay Minette, Alabama

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

19 June 1948

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:-

Enclosed herewith is a plea in abatement for filing in the case of Richards vs. Van Lierop. I have received written permission from the attorneys of record of the plaintiff to delay until the 21st day of June, 1948, to file pleading in this case.

I am forwarding a copy of this plea to Johnston, McCall & Johnston of Mobile and Hybart & Chason, Bay Minette.

Yours very truly,

  
C. G. Chason

CGC:lu

Encl: 1

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as Hartford  
Farms,

Defendant.

¶

¶ IN THE CIRCUIT COURT OF

¶ BALDWIN COUNTY, ALABAMA.

¶ AT LAW.

No. \_\_\_\_\_

¶

¶

INTERROGATORIES PROPOUNDED TO THE DEFENDANT BY THE PLAINTIFF:

1 (a). Please state your correct name and address.

(b). Are you the defendant in the above entitled cause? (c). Were you doing business in Baldwin County, Alabama, as the Hartford Farms on May 20, 1947? (d). Did you own and operate a farm in Baldwin County, Alabama on May 20, 1947? (e). Please state where said farm was located.

2 (a). Please describe, in detail, the nature of the business you owned or operated in Baldwin County, Alabama, on May 20, 1947. (b). Did you grow flowers which were shipped from Baldwin County, Alabama to other sections of the United States? (c). Did you ship different types of bulbs from Baldwin County, Alabama to other sections of the United States? (d). Who was the manager or the head of your business in Baldwin County, Alabama on May 20, 1947? (e). Who was the assistant manager of your business in Baldwin County, Alabama on May 20, 1947?

3 (a). What business were you engaged in outside of Baldwin County, Alabama on May 20, 1947? (b). Where were your other places of business located on May 20, 1947? (c). How many persons did you employ in your business in Baldwin County, Alabama on May 20, 1947?

4 (a). Was Jesse C. Richards employed by you in Baldwin County, Alabama on May 20, 1947? (b). What salary or compensation was he paid during the time he was employed by you?

(c). Who was the immediate supervisor of Jesse C. Richards on May 20, 1947? (d). Please describe the nature of Jesse C. Richards' duties in regard to the irrigation system used on your farm in Baldwin County, Alabama, on May 20, 1947.

(e). Please state in detail what type of irrigation system was used in irrigating your fields on your farm in Baldwin County, Alabama on May 20, 1947. (f). Please state whether or not there were nozzles on temporary pipes which were used to spray water on your fields on the farm you operated in Baldwin County, Alabama on May 20, 1947. (g). Please state how long the aforementioned nozzles and pipes had been in use prior to May 20, 1947. (h). Please state what type of pumps were used to force water through your irrigation system on your farm in Baldwin County, Alabama on May 20, 1947. (i). Please state how much pressure was in the aforementioned pipes used to irrigate your fields on May 20, 1947.

5 (a). Did Jesse C. Richards receive an injury to his eye while employed by you on your farm in Baldwin County, Alabama on May 20, 1947? (b). Did the manager of your said farm send Jesse C. Richards to a doctor when he learned of his injury? (c). Did the manager of your said farm in Baldwin County, Alabama state to Jesse C. Richards that the farm would pay for his medical expenses incurred in treating the injury to his eye, received on May 20, 1947 while employed by you on your farm?

6 (a). For the purpose of qualifying the jury, did you carry any type of insurance on May 20, 1947, which would cover injuries sustained by employees? (b). Were you qualified to do business in the state of Alabama, on May 20, 1947? (c). If you state that you were qualified to do business in the State of Alabama on May 20, 1947, please under what name you were qualified to do business.

Hybert, Thomas & Stone  
Johnston, McCall & Johnston  
Attorneys for the Plaintiff

STATE OF ALABAMA §

COUNTY OF MOBILE §

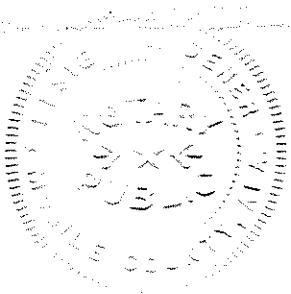
Before me, the undersigned authority in and for said State and County, personally appeared William E. Johnston, one of the attorneys for the plaintiff, who being by me first duly sworn, on oath, deposes and says that if the answers to the foregoing interrogatories are well and truly made, they will be material evidence for the plaintiff in the above entitled cause.

William E. Johnston

Subscribed and sworn to before me

this 18th day of February, 1949.

Elmer A. Wideness  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.





1191

Sheriff's Office  
Feb, 1949  
JNS, Sheriff

INTERROGATORIES

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as Hartford  
Farms,

Defendant.

*Serve on Cecil Stone*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1191

Filed February 19, 1949.

*Deirdre J. Hensley*

Clerk.

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

*February 22  
serving a  
within  
on  
attorney  
Lierop  
and doing  
Hartford  
Jenkins*

JESSE C. RICHARDS,

Plaintiff,

vs.

J. C. VAN LIEROP, individually  
and doing business as HARTFORD  
FARMS,  
Defendant.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.

AT LAW NO. \_\_\_\_\_

Comes the plaintiff and demurs to Plea two filed by the  
defendant in the above cause on the following separate and  
several grounds:

1. Because said plea does not state a defense as a matter  
of law.
2. Because the plaintiff cannot as a matter of law be  
charged with contributory negligence.
3. Because no facts are averred which show contributory  
negligence on the part of the plaintiff.
4. Because said plea merely states a conclusion of the  
pleader.

Johnston, McCall & Johnston

Theson & Stone

Attorneys for Plaintiff.

STATE OF ALABAMA  
MOBILE COUNTY

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA:

Now comes Jesse C. Richards and shows unto your Honor that he is an employee as defined by the Workmen's Compensation Law of Alabama; that his employer is J. C. Van Lierop; that he has suffered an injury while acting within the line and scope of his employment; that he is unable to reach settlement with his employer and that he prays for permission to secure the services of an attorney to represent him in said matter. He requests permission to secure the services of William E. Johnston of Mobile, Mobile County, Alabama, and C. L. Hybart of Monroeville, Monroe County, Alabama.

/s/ Jesse C. Richards

Subscribed and sworn to before me  
this 29 day of March 1948.

Elsie D. Widener  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

ORDER

The foregoing having been submitted and the Court being of the opinion that said permission should be granted the said Jesse C. Richards is hereby permitted and authorized to employ William E. Johnston and C. L. Hybart, attorneys at law, to represent him in a claim for injuries arising out of an accident sustained in the line and course of his employment, while employed by J. C. Van Lierop.

F. W. Hare  
JUDGE



JESSE C. RICHARDS,

Plaintiff,

vs-

J. C. VAN LIEROP, individually  
and doing business as Hartford  
Farms,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_.

A N S W E R

-to-

INTERROGATORIES PROPOUNDED TO THE DEFENDANT BY THE PLAINTIFF:

1.(a). J. C. VAN LIEROP, HARTFORD, MICHIGAN

(b). YES

(c). YES

(d). YES

(e). APPROXIMATELY TWO (2) MILES NORTH AND THREE AND  
ONE-HALF (3 1/2) MILES WEST OF THE TOWN OF FOLEY

2.(a). GROWTH AND SALE OF FLOWERS, BULBS AND OTHER RE-  
LATED ITEMS.

(b). YES

(c). YES

(d). T. J. VERDONSCHOT

(e). HOMER SINGLETON

3.(a). GROWING GLADIOLUS BULBS AND FLOWERS, AND RELATED  
FARMING.

(b). HARTFORD, MICHIGAN: CROSSVILLE, TENNESSEE: FT.  
MYERS, FLORIDA.

(c). APPROXIMATELY 30 PEOPLE, CONTAINING FIELD HANDS  
AND WAREHOUSE AND PACKING SHED PERSONNEL.

4.(a). YES

(b). 50¢ PER HOUR.

(c). HOMER SINGLETON

(d). ASSISTING IN LAYING PIPE FOR THE IRRIGATION SYSTEM  
AND KEEPING THE SPRINKLER HEADS TURNING PROPERLY.

- (e). PERFECTION PORTABLE SPRINKLER SYSTEM WITH MYERS 10" DEEP WELL PUMP DRIVEN BY CHRSYLER 6 ENGINE WITH A 6" LEAD PIPE FROM PUMP AND LIGHT 4" PIPE RUNNING DOWN ROWS WITH SPRINKLER HEADS 48 FEET APART WITH A 3/4" PIPE COMING ABOUT 2 FEET UP FROM 4" PIPES.
- (f). YES
- (g). THE PIPES WERE FROM 3 to 5 YEARS OLD; MOST OF THE NOZZLES WERE NEW AND NONE WERE OVER 3 YEARS OLD.
- (h). ONE MYERS 10" DEEP WELL PUMP.
- (i). EXACT PRESSURE NOT KNOWN BUT BELIEVED TO BE APPROXIMATELY 50 POUNDS. IT IS POSSIBLE THAT THERE WAS LESS PRESSURE THAN THIS INASMUCH AS THE 4" PIPE WAS OF EXTREMELY LIGHT CONSTRUCTION.
- 5.(a). NOT TO MY KNOWLEDGE.
- (b). UNKNOWN
- (c). UNKNOWN, AND CERTAINLY NOT BY MY AUTHORIZATION.
- 6.(a). NO

(b). YES

(c). J. C. VAN LIEROP & HARTFORD FARMS

*J. C. Van Lierop*  
*Hartford Farms*

STATE OF MICHIGAN

COUNTY OF VAN BUREN

Before me, PAUL F. RICHTER, JR., a Notary Public in and for said County in said State, personally appeared J. C. Van Lierop, who being by me first duly sworn, on oath, deposes and says that the answers to the foregoing interrogatories are true.

*J. C. Van Lierop*  
*Hartford Farms*

Sworn to and subscribed before me, a Notary Public, on this 19 day of November, 1949.

*Paul F. Richter, Jr.*  
 Notary Public, VAN BUREN County  
 State of Michigan

My Commis Exp Nov. 7, 1953

1191

---

A N S W E R

-to-

---

INTERROGATORIES PROPOUNDED TO THE  
DEFENDANT BY THE PLAINTIFF

---

JESSE C. RICHARDS,

Plaintiff,

-vs-

J. C. VAN LIEROP, individually  
and doing business as Hartford  
Farms,

Defendant.

---

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW  
NO.        **FILED**  
JAN 5 1950  
ALICE J. DICKSON

CECIL G. CHASON  
ATTORNEY AT LAW  
FOLEY, ALABAMA