

880

STATE OF ALABAMA,

PLAINTIFF

VS.

H. J. BINGHAM,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE NO. 880


MOTION TO DISMISS

Now comes the plaintiff, the State of Alabama, in the above styled cause and moves the court that the entire action be dismissed and for grounds for this motion assigns, separately and severally:

1. That said action is brought against H. J. Bingham, who is now deceased, having departed this life on or about, to wit, sometime between March 6, 1944, and November 5, 1945.

Now therefore plaintiff moves that said suit be dismissed and that the costs thereof be taxed against the plaintiff.


A. A. CARMICHAEL
ATTORNEY GENERAL


L. E. BARTON
ASSISTANT ATTORNEY GENERAL

ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. J. Bingham 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 same, then and there to answer the complaint of the State of Alabama.

Witness my hand this the 7th day of August, 1944.


CLERK

C O M P L A I N T

STATE OF ALABAMA,)
Plaintiff)

vs.)

H. J. BINGHAM,)
Defendant)

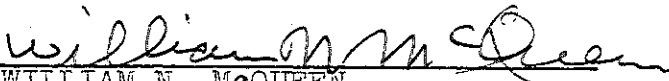
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

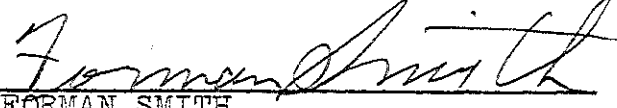
COUNT 1. The plaintiff claims of the defendant the sum of Four Hundred Eight and 08/100 Dollars (\$408.08), as damages, for that heretofore, on or about the 6th day of March, 1944, while the plaintiff's motor vehicle, namely, a 1939 Dodge Truck, was being operated over and along United States Highway No. 31, a public highway in Baldwin County, at a point approximately five miles southward from Bay Minette,

where it had a right to have its said truck operated, at which time and place the defendant's servant, agent or employee, while acting in the line of his duty and within the scope of his employment, or defendant's partner, while engaged in a joint mission, wilfully, deliberately and wantonly drove a motor vehicle, namely, a Plymouth automobile, over, into or against the plaintiff's truck, damaging same as follows: The fenders, frame, body, steering gear, running board, oil system, lights, springs and supports, front and side were bent, broken and torn.

Plaintiff avers that said damages were by reason of and as a direct and proximate result of the wilful or wanton acts as aforesaid.

COUNT 2. The plaintiff claims of the defendant the additional and further sum of Four Hundred Eight and 08/100 Dollars (\$408.08), as damages, for that heretofore, at the time, place, and while plaintiff's said truck was being operated as stated in Count 1 above, the defendant's agent, servant or employee, while acting within the line of his duty and scope of his employment, or defendant's partner in a joint mission, negligently drove defendant's automobile, into, over, along or against plaintiff's truck, damaging same as set forth in Count 1 above. Plaintiff alleges that his said damage was a direct and proximate result of the said negligence, hence this suit.


WILLIAM N. McQUEEN,
Acting Attorney General,


FORMAN SMITH,
Assistant Attorney General,

ATTORNEYS FOR THE PLAINTIFF.

Executed on the ____ day of August, 1944, by handing a copy of the above summons and complaint to the named defendant.

SHERIFF, MOBILE COUNTY
By-

Deputy Sheriff

1271

RECORDED

Sumner and Cuyler

State at Ark

W. D. D.

H. G. Bingham

Address
Oakdale Trailer Court
Mobile Ala

Recd Aug 7 1944
J. B. Bingham
clerk

88-44

Received _____
Returned _____
Not found in my County after diligent search
and inquiry. H. G. Bingham
W. H. HOLCOMBE, Sheriff
By R. A. Matthews

STATE OF ALABAMA,

PLAINTIFF

VS.

H. J. BINGHAM,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE NO. 880

MOTION TO DISMISS

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A. A. CARMICHAEL
ATTORNEY GENERAL

L. E. BARTON
ASSISTANT ATTORNEY GENERAL

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STATE OF ALABAMA,

PLAINTIFF

VS.

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IN THE CIRCUIT COURT OF

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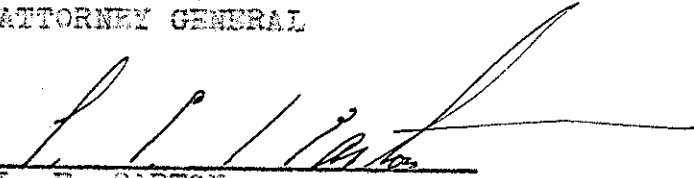
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Now therefore plaintiff moves that said suit be dismissed and that the costs thereof be taxed against the plaintiff.

A. A. CARMICHAEL
ATTORNEY GENERAL



L. E. BARTON
ASSISTANT ATTORNEY GENERAL

ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon E. J. Bingham 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 same, then and there to answer the complaint of the State of Alabama.

Witness my hand this the 7th day of August, 1944.

R. S. S. S.
CLERK

C O M P L A I N T

STATE OF ALABAMA,)
Plaintiff)
vs.)
H. J. BINGHAM,)
Defendant)

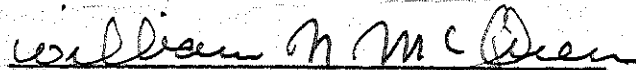
IN THE CIRCUIT COURT OF
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WILLIAM N. McQUEEN,
Acting Attorney General,


FORMAN SMITH,
Assistant Attorney General,

ATTORNEYS FOR THE PLAINTIFF.

Executed on the ____ day of August, 1944, by handing a copy of the above summons and complaint to the named defendant.

SHERIFF, MOBILE COUNTY
By-

Deputy Sheriff

I. J. ...

Deputy Sheriff

888 484

H. G. Bingham
Oakdale Trailer Court

W. H. H. H.
Address

Aug 7-1944
S. B. Reed,
Card -

886

484

H. P. Bingham
Caldwell Trailer Co.

W. H. Stice
Address

June 7th 1944
Caldwell,
Calif.



A. A. CARMICHAEL
ATTORNEY GENERAL

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
MONTGOMERY 4, ALABAMA

February 21, 1949

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

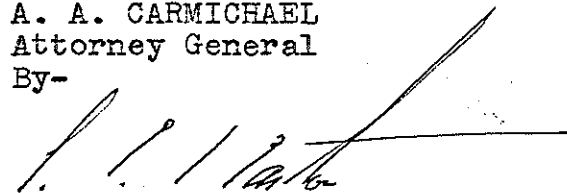
Re: State of Alabama Vs.
H. J. Bingham, Law Side No. 880

Dear Mrs. Duck:

In view of the fact that we have received information that the defendant in the above styled cause, Mr. H. J. Bingham, is deceased, having died sometime between March 6, 1944 and November 5, 1945, the State of Alabama is attaching herewith its motion to dismiss this suit.

Yours very truly,

A. A. CARMICHAEL
Attorney General
By-


L. E. BARTON
Assistant Attorney General

LEB/srs

cc: Hon. Telfair J. Mashburn, Jr.
Judge, Circuit Court of
Baldwin County
Bay Minette, Alabama