

1280

HERLEY MELTON

PLAINTIFF

VS

ISAAC BOOTHBY and
DOROTHY BOOTHBY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Interrogatories propounded by the Plaintiff, HERLEY MELTON, to the Defendants, ISAAC BOOTHBY and DOROTHY BOOTHBY, separately and severally, in accordance with Article 8, Title 7 of the 1940 Code of Alabama.

1.

Please state your name, age and address.

2.

Please state whether or not you were the owner of an automobile involved in a collision on the Foley-Gulf Shores highway, in Baldwin County, Alabama, at a point approximately three miles South of Foley, on July 12th, 1948.

3.

Please state who was driving the automobile at the time and place of said collision, on said day.

4.

Please state whether or not the driver of the automobile was your servant, agent or employee, and if acting within the line and scope of her employment.

5.

Please state from where and to where the said automobile, involved in the collision was being driven.

6.

Please state whether or not you were engaged in business at or near Gulf Shores in Baldwin County, Alabama, at the time of the collision.

7.

Please state the time of day that the collision occurred.

8.

Please state, for the purposes of qualifying the jury, whether there was any liability Insurance on the automobile involved in the collision, and if so, with what Company, and in whose name the policy was issued.

9.

Please state the purposes of the trip that was being made in the automobile involved in the collision on the date thereof.

H. M. Hall

Attorney for Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared, H. M. HALL, who is known to me, and who having been by me first duly sworn, deposes and says that he is the Attorney of record for the Plaintiff in the above styled cause; that true answers to the foregoing interrogatories will be material testimony for the Plaintiff in this cause.

H. M. Hall

Sworn to and subscribed before me on this the _____ day of December, 1948.

Notary Public, Baldwin County, Alabama

647
Received in Sheriff's Office
this 31 day of Dec, 1948
TAYLOR WILKINS, Sheriff

RECEIVED IN OFFICE

Returned 16 day of April 1949
Not found in my county after diligent search and inquiry.

Taylor Wilkins, Sheriff
By Jessica B. Boothby
Deputy Sheriff

Received in Sheriff's Office
this 28 day of April 1949
TAYLOR WILKINS, Sheriff

J. O. J. W.

No. 1280

HERLEY MELTON

PLAINTIFF

VS

ISAAC BOOTHBY AND
DOROTHY BOOTHBY

DEFENDANTS

Interrogatories

FILED

DEC 30 1948

ALICE J. DUCK, Clerk

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA

EXECUTED BY DELIVERING
A copy of the within

To Sigyl Pool
Secretary of State
OF THE State of Ala.
AND SAID Sigyl Pool
WAS SUCH WHEN SO SERVED

This the 9-29-49 19

G. H. Moody
Sheriff Montgomery County

By Goodwyn
Deputy Sheriff



SIBYL POOL
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

November 3, 1949

Hon. H. M. Hall
Attorney At Law
Bay Minette, Alabama

Re: (1) Lizzie Melton and
(2) Herley Melton, Plaintiffs
vs
Isaac Boothby and Dorothy
Boothby, Defendants

Dear Mr. Hall:

Please refer to your files on the above-styled causes and be advised as follows:

On October 17, 1949 I sent by registered mail, return receipt requested, deliver to addressee only, my notice together with copy of summons and complaint by each of the plaintiffs and interrogatories by Herley Melton, to the defendant, Isaac Boothby, Bayou Shores Apartment No. 2, Galveston, Texas.

On November 2, 1949 these registered letters (Registered No. 51456 and 51454, respectively) were returned to me with notation for non-delivery stamped thereon, "Unclaimed." Also the pencil notation on each envelope "No response Left Notice 10/20/49 W 41. Not in D. D. H. Left Notice 10/21/49 W 41."

Please advise me of any further efforts you desire that I make in this matter.

Sincerely yours,

Sibyl Pool
Secretary of State

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

HUBERT M. HALL
LAWYER
BAY MINETTE, ALABAMA

September 23, 1949

Mrs. Alice J. Duck
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Melton vs. Boothby

I have just learned that Mr. and Mrs. Boothby are now living in Bayou Shores, Apartment No. 2, Galveston, Texas.

You will please do what you can toward perfecting service through Secretary of the State.

Yours very truly,

J. M. Hall

HMH/lm

HERLEY MELTON, PLAINTIFF)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
ISAAC BOOTHBY AND DOROTHY)	
BOOTHBY, DEFENDANTS.)	AT LAW NO. 1280.

PLEA IN ABATEMENT

Comes now Dorothy Boothby and not waiving process or notice of process, or service, or any of her rights and privileges, and appears specially and not generally for the sole purpose of filing this plea in abatement in this cause, and prays the judgement of this court that the summons and complaint against her in the above styled cause be quashed and the cause dismissed for the reasons hereinafter set forth:

That she has not been personally served with process; that on the day of the alleged accident, to-wit, July 12th, 1948, she was not a non resident of the State of Alabama, but was a resident of Baldwin County, Alabama, residing at Fairhope; that her home was on Fells Avenue, Fairhope, Ala., that she had been living there for about one and a half years prior to the day of the accident; that in November, 1948, she moved her home from Baldwin County to Washington, D. C., and at a later date from Washington, D. C. to Galveston, Texas.

WHEREFORE the said Dorothy Boothby says that as she was not a non resident of the State of Alabama on the date of the alleged accident, to-wit July 12th, 1948, nor has she been personally served with process, nor has she waived such service in any way, that the attempted service of process on her had upon the Secretary of State is null and void, and prays the court that the same be quashed and the cause dismissed.

Dorothy Boothby

STATE OF TEXAS
COUNTY OF GALVESTON

Personally appeared before me, the undersigned authority, Dorothy Boothby, who being by me first duly sworn deposes and says that she has read the above and foregoing plea and that the facts stated therein are true.

Dorothy Boothby

Subscribed and sworn to before me this 27th day of October, 1949.

Robert R. Allert
NOTARY PUBLIC,

ROBERT R. ALLERT

COUNTY, TEXAS

Notary Public in and for Galveston County, Texas
My Commission expires June 1, 19 51

H NO. 1280.

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANT.

PLEA IN ABATEMENT

FILED
OCT 29 1949
ALICE J. DUCK, Clerk

LYONS, THOMAS AND PIPES
516-517-519 FIRST NATIONAL BANK BLDG.
MOBILE 8, ALABAMA

LYONS, THOMAS & PIPES

ATTORNEYS AT LAW

517-519 FIRST NATIONAL BANK BUILDING

MOBILE 8 ALABAMA

JOSEPH H. LYONS
DANIEL H. THOMAS
SAM W. PIPES, III

November 3rd, 1949.

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

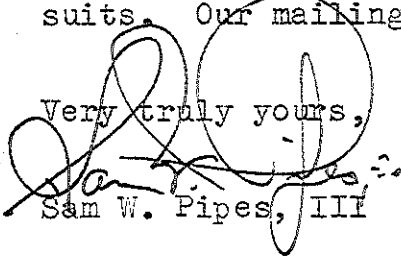
Re: 1280 Herley Melton v. Boothby
1281 Lizzie Melton v. Boothby

Dear Madam:

We enclose herewith in duplicate amended pleas in abatement by Isaac Boothby. We ask that you file the originals and furnish the copies to Mr. Hall.

We will sincerely appreciate your forwarding us copy of any pleadings filed in these suits by the plaintiff, and advising us of the date set by the court for any hearings on the pleadings, or for the trial of these suits. Our mailing address is P. O. Box 1506.

Very truly yours,


Sam W. Pipes, III

SWP:ee

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA.
)

) AT LAW NO. 1280.
)

AMENDED PLEA IN ABATEMENT

Comes now Isaac Boothby in the above entitled cause, and shows unto the court that through oversight he signed the original plea in abatement in only one place, and prays leave of court to amend his said plea in abatement so that the same shall read as follows:

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA.
)

) AT LAW NO. 1280.
)

PLEA IN ABATEMENT.

Comes now Isaac Boothby and not waiving process or notice of process, or service, or any of his rights and privileges, and appears specially and not generally for the sole purpose of filing this plea in abatement in this cause, and prays the judgement of this court that the summons and complaint against him in the above styled cause be quashed and the cause dismissed for the reasons hereinafter set forth:

That he has not been personally served with process; that on the day of the alleged accident, to-wit, July 12th, 1948, he was not a non resident of the State of Alabama, but was a resident of Baldwin County, Alabama, residing at Fairhope; that his home was on Fells Avenue, Fairhope, Ala., that he had been living there for about one and a half years prior to the day of the accident; that in November, 1948, he moved his home from Baldwin County to Washington, D. C., and at a later date from Washington, D. C. to Galveston, Texas.

WHEREFORE, the said Isaac Boothby says that as he was not a non resident of the State of Alabama on the date of the alleged accident, to-wit July 12th, 1948, nor has he been personally served with process, nor has he waived such service in any way, that the attempted service of process on him had upon the Secretary of State is null and void, and prays the court that the same be quashed and the cause dismissed.


Isaac Boothby

STATE OF TEXAS

COUNTY OF GALVESTON

Personally appeared before me, the undersigned authority,
Isaac Boothby, who being by me first duly sworn deposes and says
that he has read the above and foregoing plea and that the facts
stated therein are true.

Isaac R Boothby
Isaac Boothby

Subscribed and sworn to before me this 2nd day of November, 1949.

Robert R. Allert
ROBERT R. ALLEET

NOTARY PUBLIC, GALVESTON COUNTY, TEXAS.

Notary Public In and for Galveston County, Texas
My Commission expires June 1, 1957

Lyons Thomas & Co
ATTORNEYS FOR DEFENDANT.

At Law No. 1280.

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

AMENDED PLEA IN ABATEMENT.

FILED
NOV 4 1949
ALICE J. DUCK, Clerk

LYONS, THOMAS AND PIPES
516-517-519 FIRST NATIONAL BANK BLDG.
MOBILE 8, ALABAMA

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW NO. 1280.
)

PLEA IN ABATEMENT

Comes now Isaac Boothby and not waiving process or notice of process, or service, or any of his rights and privileges, and appears specially and not generally for the sole purpose of filing this plea in abatement in this cause, and prays the judgement of this court that the summons and complaint against him in the above styled cause be quashed and the cause dismissed for the reasons hereinafter set forth:

That he has not been personally served with process; that on the day of the alleged accident, to-wit, July 12th, 1948, he was not a non resident of the State of Alabama, but was a resident of Baldwin County, Alabama, residing at Fairhope; that his home was on Fells Avenue, Fairhope, Ala., that he had been living there for about one and a half years prior to the day of the accident; that in November, 1948, he moved his home from Baldwin County to Washington, D. C., and at a later date from Washington, D. C. to Galveston, Texas.

WHEREFORE, the said Isaac Boothby says that as he was not a non resident of the State of Alabama on the date of the alleged accident, to-wit July 12th, 1948, nor has he been personally served with process, nor has he waived such service in any way, that the attempted service of process on him had upon the Secretary of State is null and void, and prays the court that the same be quashed and the cause dismissed.

Isaac Boothby

Isaac Boothby

STATE OF TEXAS
COUNTY OF GALVESTON

Personally appeared before me, the undersigned authority, Isaac Boothby, who being by me first duly sworn deposes and says that he has read the above and foregoing plea and that the facts stated therein are true.

Isaac R Boothby
Isaac Boothby

Subscribed and sworn to before me this 27th day of October, 1949.

ROBERT R. ALLERT

NOTARY PUBLIC

Notary Public in and for Galveston County, Texas COUNTY, TEXAS
My Commission expires June 1, 1951

NO. 1280

HERLEY MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

PLEA IN ABATEMENT.

FILED

OCT 29 1949
ALICE A. DUCK, CLERK

LYONS, THOMAS AND PIPES

516-517-519 FIRST NATIONAL BANK BLDG.

MOBILE 8, ALABAMA

Herley Melton, Plaintiff)(
vs)(
Isaac Boothby and Dorothy)(
Boothby, Defendants)((

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA
AT LAW

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on October 17, 1949 I sent by registered mail in an envelope addressed as follows:

"Dorothy Boothby
Bayou Shores,
Apartment No. 2
Galveston, Texas"

"Registered mail
Return Receipt Requested
Deliver to Addressee only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Dorothy Boothby
Bayou Shores,
Apartment No. 2
Galveston, Texas"

You will take notice that on September 29, 1949 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint and Interrogatories to defendants, in a case entitled Herley Melton, Plaintiff, vs Isaac Boothby and Dorothy Boothby, Defendants in the Circuit Court of Baldwin County, Alabama a true copy of which summons and complaint and Interrogatories to defendants are attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 17th, day of October 1949.

Enclosures - 2

Signed) Sibyl Pool
Sibyl Pool
Secretary of State "

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint and interrogatories to defendants in the above-styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint and interrogatories attached thereto.

I further certify that the attached receipt was received by me on October 24, 1949, showing the receipt by the designated addressee of said notice with the attached summons and complaint and interrogatories aforesaid, at Galveston, Texas on October 21, 1949, and which receipt I attach hereto.

WITNESS MY HAND and the Great Seal of the State of Alabama, this the 24th, day of October 1949.



Sibyl Pool
Sibyl Pool
Secretary of State

Enclosures - 2

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ISAAC BOOTHBY and DOROTHY BOOTHBY 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 HERLEY MELTON.

WITNESS my hand this 30th day of December, 1948.

Alice S. Luck
Alice S. Luck
Clerk.

HERLEY MELTON	§	IN THE CIRCUIT COURT OF
PLAINTIFF	§	BALDWIN COUNTY, ALABAMA
VS.	§	AT LAW
ISAAC BOOTHBY and	§	
DOROTHY BOOTHBY	§	
DEFENDANTS	§	

1.

The Plaintiff, HERLEY MELTON, claims of the Defendants, ISAAC BOOTHBY and DOROTHY BOOTHBY, TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, the Plaintiff was riding on a tractor along the highway leading from Foley to Gulf Shores, at a point approximately three miles South of Foley, in Baldwin County, Alabama, that at said time and place the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, DOROTHY BOOTHBY, who was then and there acting within the line and scope of her employment negligently drove an automobile into or against the tractor, on which the Plaintiff was riding, along said highway, and as a proximate result of the said negligence, the Plaintiff was injured as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

2.

The Plaintiff, HERLEY MELTON claims of the Defendants ISAAC BOOTHBY and DOROTHY BOOTHBY, TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, DOROTHY BOOTHBY, negligently caused an automobile which she was driving along the highway leading from Foley to Gulf Shores, a public highway in Baldwin County, Alabama, at a point approximately three miles South of Foley; to run into, or collide with a tractor on which the Plaintiff was riding at said time and place, and as a proximate result and consequence of said negligence on the part of the said DOROTHY BOOTHBY, agent, servant or employee of the Defendant, ISAAC BOOTHBY, and while acting within the line and scope of her employment, the Plaintiff was injured and damaged as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage as aforesaid, hence this suit.

3.

The Plaintiff HERLEY MELTON, claims of the Defendants ISAAC BOOTHBY and DOROTHY BOOTHBY the sum of TEN THOUSAND (\$10,000.00) DOLLARS, as damages for that on to-wit, July 12th, 1948, the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, the Defendant, DOROTHY BOOTHBY, who was then and there acting within the line and scope of her employment, willfully or wantonly injured the Plaintiff by driving an automobile which she was at said time driving along the Foley-Gulf highway, a public highway in Baldwin County, Alabama, at a point approximately three miles South of Foley,

RECEIVED IN CHARGE
JUL 15 1932
U. S. DEPT. OF JUSTICE
DIVISION OF INVESTIGATION
WASHINGTON, D. C.

into or against a tractor on which the Plaintiff was at said time and place riding, and as a proximate result of the negligence on the part of the said DOROTHY BOOTHBY, the agent, servant or employee, of the said ISAAC BOOTHBY, who was then and there acting within the line and scope of her employment, the Plaintiff was injured as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

M. M. Hall
Attorney for Plaintiff

The Plaintiff demands a trial by jury.

M. M. Hall
Attorney for Plaintiff

7281529

4
11
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

m1280

RECEIVED IN OFFICE
SEP 29 1949
G. A. MOSLEY, Sheriff

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was
has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was
has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

Filed 12-31-49
Alice J. [unclear]
Clerk

RECEIVED
SEP 29 1949
SECRETARY OF
THE STATE

has said that he was interviewed and that he was not a member of the
any and no conversation was had with anyone at the time of the
and to anyone who was not a member of the group and that he was

HERLEY MELTON

PLAINTIFF

VS.

ISAAC BOOTHEY and
DOROTHY BOOTHEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Interrogatories propounded by the Plaintiff, HERLEY MELTON, to the Defendants, ISAAC BOOTHEY and DOROTHY BOOTHEY, separately and severally, in accordance with Article 8, Title 7 of the 1940 Code of Alabama.

1.

Please state your name, age and address.

2.

Please state whether or not you were the owner of an automobile involved in a collision on the Foley-Gulf Shores highway, in Baldwin County, Alabama, at a point approximately three miles South of Foley, on July 12th, 1948.

3.

Please state who was driving the automobile at the time and place of said collision, on said day.

4.

Please state whether or not the driver of the automobile was your servant, agent or employee, and if acting within the line and scope of her employment.

5.

Please state from where and to where the said automobile, involved in the collision was being driven.

6.

Please state whether or not you were engaged in business at or near Gulf Shores in Baldwin County, Alabama, at the time of the collision.

7.

Please state the time of day that the collision occurred.

8.

Please state, for the purposes of qualifying the parties, whether there was any liability Insurance on the automobile involved in the collision, and if so, with what Company, and in whose name the policy was issued.

9.

Please state the purposes of the trip that was being made in the automobile involved in the collision on the date thereof.

H. M. Hall
Attorney for Plaintiff

STATE OF ALABAMA §
BALDWIN COUNTY §

Before me the undersigned authority in and for said County, in said State, personally appeared, H. M. HALL, who is known to me, and who having been by me first duly sworn, deposes and says that he is the Attorney of record for the Plaintiff in the above styled cause; that true answers to the foregoing interrogatories will be material testimony for the Plaintiff in this cause.

H. M. Hall

Sworn to and subscribed before me on this the ____ day of December, 1948.

Notary Public, Baldwin County, Alabama.

1. The first step in the process of identifying a problem is to determine the nature of the problem. This involves gathering information about the problem and its causes.

LIBRARY

[illegible]

reduced to $\frac{1}{2}$ of the original thickness of metal

2025

STATE OF ALABAMA §
BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA:.

You are hereby commanded to summon ISAAC BOOTHBY and DOROTHY BOOTHBY 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 HERLEY MELTON.

WITNESS my hand this 30 day of December, 1948.

Alice J. Smith
Clerk

HERLEY MELTON

PLAINTIFF

VS

ISAAC BOOTHBY and
DOROTHY BOOTHBY

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

1.

The Plaintiff, HERLEY MELTON, claims of the Defendants, ISAAC BOOTHBY and DOROTHY BOOTHBY, TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, the Plaintiff was riding on a tractor along the highway leading from Foley to Gulf Shores, at a point approximately three miles South of Foley, in Baldwin County, Alabama, that at said time and place the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, DOROTHY BOOTHBY, who was then and there acting within the line and scope of her employment negligently drove an automobile into or against the tractor, on which the Plaintiff was riding, along said highway, and as a proximate result of the said negligence, the Plaintiff was injured as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

2.

The Plaintiff, HERLEY MELTON claims of the Defendants ISAAC BOOTHBY and DOROTHY BOOTHBY, TEN THOUSAND(\$10,000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, DOROTHY BOOTHBY, negligently caused an automobile which she was driving along the highway leading from Foley to Gulf Shore, a public highway in Baldwin County, Alabama, at a point approximately three miles South of Foley; to run into, or collide with a tractor on which the Plaintiff was riding at said time and place, and as a proximate result and consequence of said negligence on the part of the said DOROTHY BOOTHBY, agent, servant or employee of the Defendant, ISAAC BOOTHBY, and while acting within the line and scope of her employment, the Plaintiff was injured and damaged as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage as aforesaid, hence this suit.

3.

The Plaintiff HERLEY MELTON, claims of the Defendants ISAAC BOOTHBY and DOROTHY BOOTHBY the sum of TEN THOUSAND (\$10,000.00) DOLLARS, as damages for that on to-wit, July 12th, 1948, the Defendant ISAAC BOOTHBY, acting by and through his servant, agent or employee, the Defendant, DOROTHY BOOTHBY, who was then and there acting within the line and scope of her employment, willfully or wantonly injured the Plaintiff by driving an automobile which she was at said time driving along the Foley-Gulf highway, a public, highway in Baldwin County, Alabama, at a point approximately three miles South of Foley,

into or against a tractor on which the Plaintiff was at said time and place riding, and as a proximate result of the negligence on the part of the said DOROTHY BOOTHBY, the agent, servant or employee, of the said ISAAC BOOTHBY, who was then and there actin within the line and scope of her employment, the Plaintiff was injured as follows:

His back sprained; his right leg injured; his body was bruised and lacerated; he was permanently injured; he was caused to lose, and will continue to lose time from his work; he was caused to incur doctor bills; he was caused to incur and will continue to incur medicine bills; he was caused to incur and will continue to incur hospital bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

Shmace
Attorney for Plaintiff

The Plaintiff demands a trial by jury.

Shmace
Attorney for Plaintiff

EXECUTED BY DELIVERING
A copy of the within

To Sigyl Pool
Secretary of State
OF THE State of Ala
AND SAID Sigyl Pool

WAS SUBMITTED WHEN SO SERVED

This the 9-29-49 19

G. H. Mosley
Sheriff Montgomery County

By Goodwyn
Deputy Sheriff

no 1280

RECORDED

HERLEY MELTON

PLAINTIFF

VS

ISAAC BOOTHBY AND
DOROTHY BOOTHBY

DEFENDANTS

FILED

DEC 30 1948

ALICE J. DUCK, Clerk

Received in Sheriff's Office
this 31 day of Dec, 1948
TAYLOR WILKINS, Sheriff

Returned 16 day of April 1949
Not found in my county after diligent search and in-
quiry.

By Taylor Wilkins Sheriff

By Green B. Griffin Deputy Sheriff

Received in Sheriff's Office
this 28 day of Sept, 1949
TAYLOR WILKINS, Sheriff

8 copies

Healy, Melton vs. Dorothy Boothby
Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee)

2 DELIVER TO ADDRESSEES ONLY

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 194__

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIVERING
OFFICE

RECEIVED

Return to MISS E. M. Felt, Secretary, Corporate

(NAME OF SENDER)

Street and Number, or Post Office Box, Room 205, Central, Montgomery, Ala.

REGISTERED ARTICLE

No. 51455

INSURED PARCEL

MONTGOMERY,

ALABAMA