

1281

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 LIZZIE MELTON.

WITNESS my hand this 31 day of December, 1948.

Archie J. Burke
Clerk

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

1.

The Plaintiff, LIZZIE MELTON, claims of the Defendants, ISAAC BOOTHBY and DOROTHY BOOTHBY, FIVE THOUSAND (\$5000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, a tractor belonging to the Plaintiff was being driven 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; that at said time and place the Defendant ISAAC BOOTHBY, acting by and through his servant, agen or employee, the Defendant DOROTHY BOOTHBY, who was then and there acting within the line and scope of her employment negligently drove an automobile into or against the said tractor, belonging to the Plaintiff, and as a proximate result of the said negligence on the part of the Defendant DOROTHY BOOTHBY, the agent, servant or employee, of ISAAC BOOTHBY, while acting within the line and scope of her employment, was damaged as follows:

The wheels were broken; axle broken; the engine was broken; the tractor was damaged beyond repair; the tractor was de-

molished;

That the said tractor was at the time used on a farm; that the Plaintiff was deprived of the use of said tractor being unable to secure another, for three months; that she necessarily had to hire another tractor.

All to the damage as aforesaid, hence this suit.

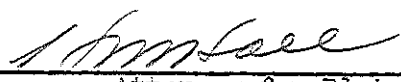
2.

The Plaintiff, LIZZIE MELTON, claims of the Defendant, ISAAC BOOTHEY, and DOROTHY BOOTHEY, FIVE THOUSAND (\$5000.00) DOLLARS, as damages for that on to-wit, July 12th, 1948, the Defendant ISAAC BOOTHEY, acting by and through his servant, agent or employee, the Defendant DOROTHY BOOTHEY, negligently caused an automobile, which she was driving along the highway leading from Foley to Guld 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 belonging to the Plaintiff which was being driven along said highway, at said time and place, and as a proximate result and consequence of said negligence on the part of the said DOROTHY BOOTHEY, agent, servant or employee of the Defendant ISAAC BOOTHEY, and while acting within the line and scope of her employment the said tractor belonging to the Plaintiff was damaged as follows:


The wheels were broken; axle broken; the engine was broken; the tractor was damaged beyond repair; the tractor was demolished;

That the said tractor was at the time used on a farm; that the Plaintiff was deprived of the use of said tractor being unable to secure another, for three months; that she necessarily had to hire another tractor;

All to the damage as aforesaid, hence this suit.


Attorney for Plaintiff

The Plaintiff demands a trial by jury.


Attorney for Plaintiff

EXECUTED BY DELIVERING
A copy of the within

To Sibyl Pool
Secretary of State
OF THE State of Ala
AND SAID Sibyl Pool
WAS SUCH WHEN SO SERVED
This the 9-27-47 19
G. L. Mosley
Sheriff Montgomery County
By Grodwyn
Deputy Sheriff

no 1281

RECORDED

LIZZIE MELTON
PLAINTIFF
VS
ISAAC BOOTHBY AND
DOROTHY BOOTHBY
DEFENDANTS.

RECEIVED IN OFFICE
1947
Sept 29
Taylor Wilkins, Sheriff
Deputy Sheriff

Returned 16 day of April
Not found in my county after diligent
quity.

Received in Sheriff's Office
this 28 day of Sept., 1947
TAYLOR WILKINS, Sheriff
7 Copies

FILED
DEC 31 1948
ALICE J. DUCK, Clerk

Lizzie 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 of the State of Alabama 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 in a case entitled Lizzie 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 is 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.

Signed) Sibyl Pool
Sibyl Pool
Secretary of State "

Enclosure - 1

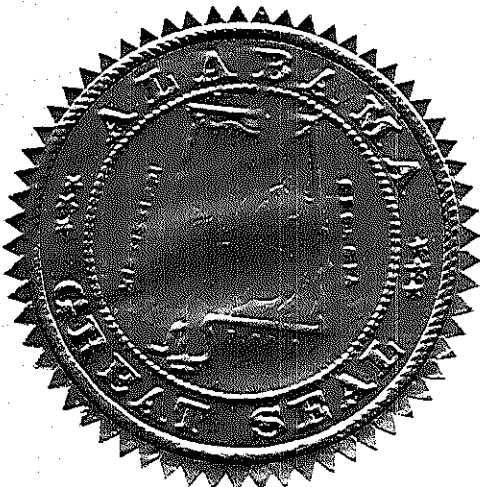
I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached 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 aforesaid, at Galveston Texas, Oct. 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 BOOTHEY and DOROTHY BOOTHEY 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 LIZZIE MELTON.

WITNESS my hand this 31st day of December, 1948.

Alice J. Duck
Alice J. Duck
Clerk.

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

1.

The Plaintiff, LIZZIE MELTON, claims of the Defendants, ISAAC BOOTHEY and DOROTHY BOOTHEY, FIVE THOUSAND (\$5000.00) DOLLARS, as damages, for that on to-wit, July 12th, 1948, a tractor belonging to the Plaintiff was being driven 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; that at said time and place the Defendant ISAAC BOOTHEY, acting by and through his servant, agent or employee, the Defendant DOROTHY BOOTHEY who was then and there acting within the line and scope of her employment negligently drove an automobile into or against the said tractor, belonging to the Plaintiff, and as a proximate result of the said negligence on the part of the Defendant DOROTHY BOOTHEY, the agent, servant or employee of ISAAC BOOTHEY, while acting within the line and scope of her employment, was damaged as follows:

The wheels were broken; axle broken; the engine was broken; the tractor was damaged beyond repair; the tractor was de-

molished;

That the said tractor was at the time used on a farm; that the Plaintiff was deprived of the use of said tractor being unable to secure another, for three months; that she necessarily had to hire another tractor.

All to the damage as aforesaid, hence this suit.

2.

The Plaintiff, LIZZIE MELTON, claims of the Defendant, ISAAC BOOTHBY, and DOROTHY BOOTHBY, FIVE THOUSAND (\$5000.00) 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, 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 belonging to the Plaintiff which was being driven along said highway, 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 said tractor belonging to the Plaintiff was damaged as follows:

The wheels were broken; axle broken; the engine was broken; the tractor was damaged beyond repair; the tractor was demolished;

That the said tractor was at the time used on a farm; that the Plaintiff was deprived of the use of said tractor being unable to secure another, for three months; that she necessarily had to hire another tractor;

All to the damage as aforesaid, hence this suit.

H. M. Hall
Attorney for Plaintiff

The Plaintiff demands a trial by jury.

H. M. Hall
Attorney for Plaintiff.

RECORDED
INDEXED
SEP 30 1948
CLERK OF DISTRICT COURT

Handwritten notes in left margin, including "Lizzie Melton" and "Dorothy Boothby".

Handwritten notes in right margin, including "1881544".

RECEIVED
SEP 29 1949
SECRETARY OF
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Filed 12-31-48
Aciey
Clerk

LIZZIE MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW NO. 1281.

AMENDED PLEA IN ABATEMENT

Comes now Isaac Boothby in the above entitled cause, and shows unto the court as 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:

LIZZIE MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW NO. 1281.

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. ALLERT

NOTARY PUBLIC, GALVESTON COUNTY, TEXAS.

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

Lyons
ATTORNEYS FOR DEFENDANT.

At Law No. 1281.

LIZZIE 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

LIZZIE MELTON, PLAINTIFF)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
ISAAC BOOTHBY AND DOROTHY)	
BOOTHBY, DEFENDANTS.)	AT LAW NO. 1281.

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 Boothby

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

ROBERT R. ALLERT

NOTARY PUBLIC, COUNTY, TEXAS

No. 1281

LIZZIE MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

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

LIZZIE MELTON, PLAINTIFF

VS.

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.
)
) AT LAW NO. 1281.
)

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 B. ALLETT
NOTARY PUBLIC, COUNTY, TEXAS.

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

No. 1281

LIZZIE MELTON, PLAINTIFF

VS

ISAAC BOOTHBY AND DOROTHY
BOOTHBY, DEFENDANTS.

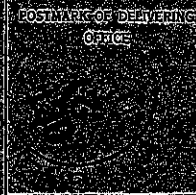
PLEA IN ABATEMENT

FILED
OCT 29 1949
ALICE J. DUCK, Clerk

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

Post Office Department
OFFICIAL BUSINESS

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



Return to Miss S. R. Montgomery, of State
Street and Number, or Post Office Box, Room 103, Montgomery, Ala.

REGISTERED ARTICLE
No. 51457
INSURED PARCEL
No. _____
MONTGOMERY,
ALABAMA

RETURN RECEIPT

Retained 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)

(Signature or name of addressee)

2 DIRECTOR TO ADDRESS ONLY

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

Date of delivery _____, 194_____