

JESSE GILLIAM, JR.

Plaintiff,

vs.

T. E. MERCER COMPANY &
EMITT TILDEN BULLARD,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 1387.

Come the Defendants in the above styled cause and file this their demurrer to Count I of the Complaint filed in said cause and assign the following separate and several grounds, viz:-

1. That said Complaint is vague and indefinite.
2. That said Complaint fails to aver with sufficient certainty the place where the accident occurred.
3. That the allegation that his automobile has depreciated in value is but a conclusion of the pleader.
4. That the allegation that he was without the use of said car in his business for a long period of time is vague and indefinite.

Hubert Chas Stone
Attorneys for Defendants.

Defendants demand a trial of
this cause by Jury.

Hubert Chas Stone
Attorneys for Defendants.

RECORDED

DEMURRER

JESSE GILLIAM, JR.

Plaintiff,

vs.

T. E. MERCER COMPANY &
EMITT TILDEN BULLARD,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 1387.

Filed September 9, 1949.

Alice J. Leach
Clerk.

LAW OFFICES

HYBART, CHASON & STONE

BAY MINETTE, ALABAMA

JESSE GILLIAM, JR.,

Plaintiff,

-VS-

T. B. HERCOT COMPANY &
EMITT TILDEN BULLARD,
jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. _____

INTERROGATORIES PROPOSED TO THE DEFENDANT, T. B. HERCOT COMPANY,
UNDER AUTHORITY OF SECTION 477 OF THE CODE OF ALABAMA, 1940:

ONE

Please state whether you are a corporation, a partnership
or an individual.

TWO

Please state the correct name under which you operate,
stating whether it is a corporation, a partnership or an individual.

THREE

Are you qualified to do business in the State of Alabama?

FOUR

On or about October 18th, 1948, did you own a 1947 Model
K-7 International truck, bearing license #NA-2635 Texas 1948?

FIVE

On or about October, 1948, did you have in your employ
Emitt Tilden Bullard?

SIX

Was the said Emitt Tilden Bullard driving the above des-
cribed truck under your direction and while in your employment?

SEVEN

Please state where said Emitt Tilden Bullard was driving
said truck, where the journey began, the route he followed and the
destination of said truck.

EIGHT

Please state the nature of this trip and its type of
cargo or merchandise or articles on said truck at the time said Emitt
Tilden Bullard was driving same.

RECEIVED IN OFFICE
AUG 13 1949
J. A. MOSELEY
1842 1948

Did the said Walter Fikden Ballard report to you an accident involving said truck in Baldwin County, Alabama, on or about October 18, 1948?

EXHIBITED BY DEPOSITOR
A copy of the original

Allan R. Cameron
Attorney for Plaintiff

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me, a Notary Public, in and for said state and county, personally appeared Allan R. Cameron, who by me first having been duly sworn, on oath, deposes and says that he is the attorney for Jesse Gilliam, Jr., plaintiff in the above styled case and that the answers to the foregoing interrogatories, if truthfully and correctly made, will be material testimony for the plaintiff in said cause.

Allan R. Cameron

Subscribed and sworn to before me this 9th day of August, 1949.

Henry A. Tompkins
Notary Public, Mobile County, Alabama

FILED
AUG 10 1949
MOBILE

1842 1948

5-41

RECEIVED IN OFFICE
AUG 12 1949
G. A. MOSLEY, Sheriff

3 copies

EXECUTED BY DELIVERING
3 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 8-12 1949
G. A. Mosley
Sheriff Montgomery County
By Goodwyn
Deputy Sheriff

W1381

AMANDA TO STATE
COMMIT TO MONTGOMERY

correctly made, will be referred to the district in which
the sentence to the foregoing indictment is being served
for James William, Jr., Plaintiff in the above styled case and who
has duly made an oath, deposed and sworn that he is the defendant
concerned, personally appeared William H. Cameron, who by me being
before me, a Notary Public, in and for said state and
before me, a Notary Public, in and for said state and

James

on or after at which time he had been
deposed and sworn to before me
1949, August 12, 1949
James William, Jr.
Plaintiff
James Cameron, Jr.
Defendant

Goodwyn

FILED
AUG 10 1949
ALICE J. DUCK, Clerk

ALLAN R. CAMERON
ATTORNEY AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
P. O. BOX 115
MOBILE 1, ALABAMA

August 9, 1949

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

Re: Jesse Gilliam, Jr.
vs: T. E. Mercer Company &
Emitt Tilden Bullard

Dear Mrs. Duck:

I am enclosing herewith complaint in the above styled cause, together with my check payable to your order in the sum of \$3.00, and shall appreciate your filing said complaint in your office and forwarding the necessary copies to the Secretary of State for service on the defendants, who are non-residents of Alabama, in accordance with Section 199 of the Code of Alabama 1940.

I shall also thank you to advise me the date said case will be set for trial.

Yours very truly,


Allan R. Cameron

ARC:fw
enc.

P.S. Also enclosed are interrogatories propounded to the defendant, T. E. Mercer Company.

ARC


No. _____ Page _____

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

vs.

Plaintiffs

Defendants

SUMMONS and COMPLAINT

Filed _____, 194_____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

_____, 194_____

_____, Sheriff

I have executed this summons

this _____, 194_____
by leaving a copy with

Sheriff

Deputy Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY }

CIRCUIT COURT, BALDWIN COUNTY

No. 1387-----

-----TERM, 1949--

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon T. E. Mercer & Co. and Edgett Tilden Bullard

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against T. E. Mercer & Co.

and Edgett Tilden Bullard, Defendant-----

by Jesse Gilliam, Jr.

_____, Plaintiff----

Witness my hand this 10th day of August 1949--

W. J. Smith, Clerk.

JESSE GILLIAM, JR.,

Plaintiff,

-73-

T. E. MERCER COMPANY &
EMITT WILSON BULLARD,
jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1387

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, the sum of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, as damages for that heretofore, to-wit on or about the 18th day of October, 1948, the defendant, Emitt Wilson Bullard, an agent, servant, or employee of the defendant, T. E. Mercer Company, and while acting within the line and scope of his employment as such, so negligently operated a motor vehicle or motor truck, said motor vehicle or truck being the property of the defendant, T. E. Mercer Company, along or upon U. S. Highway #90 in Baldwin County, Alabama, at a point just west of the border line of the states of Alabama and Florida, said highway being a public highway in the State of Alabama, so as to cause or allow the said motor vehicle or truck to run into, upon or against an automobile owned by the plaintiff, Jesse Gilliam, Jr., and driven by him, and as a direct result and proximate consequence of the defendant's negligence aforesaid, the plaintiff's automobile was badly bent and damaged about the entire left front and left side of his automobile, he was forced to incur large repair bills to repair said car, was without use of said car in his business for a long period of time, while same was being repaired and further that his automobile has depreciated in value as a further result of the defendants' negligence, wherefore the plaintiff brings this suit and asks judgment in the above amount.


Attorney for Plaintiff

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned Notary Public, in and for said state and county, personally appeared Allan R. Cameron, who is the attorney for Jesse Gilliam, Jr. in the above styled case, and by me,

first having been duly sworn on oath, deposes and says that T. E. Mercer Company and Emmitt Tilden Bullard, who is over twenty-one years of age, are both non-residents of the State of Alabama, and to the best of his information, knowledge, and belief, T. E. Mercer Company's address is 600 East 5th Street, Fort Worth, Texas, and Emmitt Tilden Bullard's address is Route #2, Overton, Texas.

W. C. Jones

Subscribed and sworn to before me,
this 9th day of August, 1949.

W. C. Jones
Notary Public, Mobile County, Alabama

EXHIBITED BY DELIVERING

copy of the within

TO THE
CLERK OF THE
COURT
AND SAID
JURY
AND SUCH WHEN SO SERVED
OF THE
1949

BY

Deputy Sheriff

Special Montgomery County

FILED

August 10 1949
AND TO 1949

RECORDED 1949

first having been only aware on own. Gibson and wife that T. W.
Hansen Combs and wife Ellen Hansen, who is over twenty-one years
of age, are both non-residents of the State of Alabama and so the
fact of his information, knowledge, and belief, T. W. Hansen Combs
resides at 600 West 2nd Street, Los Angeles, Texas, and wife Ellen
Hansen resides at 1214 1/2 1st Street, Los Angeles, Texas.

RECORDED *no 1389*

*17th day of August 1949.
Subscribed and sworn to before me*

3 copies

EXECUTED BY DELIVERING
3 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 *8-12* 19*49*

G. L. Mosley
Sheriff Montgomery County

By *Goodway*
Deputy Sheriff

John H. Gibson

FILED
AUG 10 1949
ALICE J. DUCK, Clerk

Jesse Gillian, Jr., Plaintiff

vs

T. E. Mercer Company & Emmitt Tilden
Bullard, jointly and severally, de-
fendants

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

AT LAW, Case No. 1387

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on August 15, 1949 I sent by registered mail in an envelope addressed as follows:

"T. E. Mercer Company
600 East 5th. Street
Fort Worth, Texas "

"Registered mail
Return Receipt requested"

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:

"T. E. Mercer Company
600 East 5th. Street
Fort Worth, Texas

You will take notice that on August 12, 1949 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint, and Interrogatories to the Defendant in a case entitled Jesse Gillian, Jr., vs T. E. Mercer Company & Emmitt Tilden Bullard, jointly and severally, Defendants in the Circuit Court of Baldwin County, Alabama, at Law, Case No. 1387, a true copy of which summons and complaint and Interrogatories to Defendant 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 15th, day of August 1949.

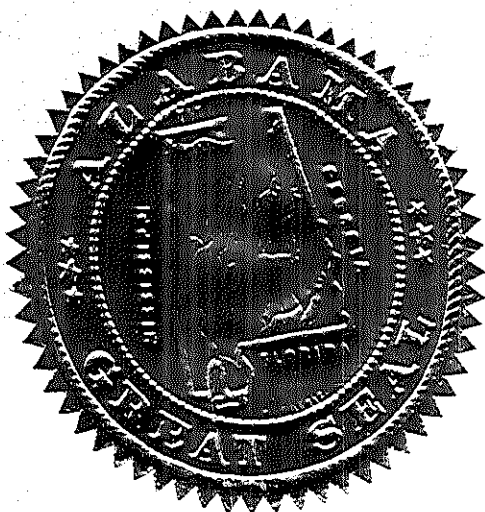
Signed/ Sibyl Pool
Sibyl Pool
Secretary of State "

Enclosures- 2

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 Defendant 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 to Defendant attached thereto.

I further certify that the attached receipt was received by me on August 22, 1949, showing delivery to T. E. Mercer Dist. Co., by their Agent, Jerry Briggs, on August 18, 1949 of said notice with the attached summons and complaint and Interrogatories to Defendant aforesaid.

WITNESS MY HAND and the Great Seal of the State of Alabama, this the 22nd, day of August 1949.



Sibyl Pool
Sibyl Pool
Secretary of State

Attachments - 1



SIBYL POOL
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

August 22, 1949

T. E. MERCER
TEAMING AND TRUCKING CONTRACTOR
Attention Mr. Wm. O. Compton
600 East Fifth Street
Fort Worth 1, Texas

Re: Jesse Gillian, Jr., Plaintiff
vs
T.E. Mercer Company, et al

Dear Mr. Compton:

I have, and thank you for your letter of the 18th,
regarding the above-styled cause.

I am today forwarding a copy of your letter to the
Attorney for the Plaintiff and to the Circuit Court with my
Certificate.

Sincerely yours,

Sibyl Pool
Secretary of State

cc: Hon. Allan R. Cameron
Attorney At Law

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

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA



SECRETARY OF STATE
SIZEL POOL

August 22, 1949

1387

W. E. HENSON
ATTORNEY AT LAW
600 East Fifth Street
Fort Worth 1, Texas

Re: Jesse Gilliam, Jr., Plaintiff
vs
F. H. Henson Company, et al

Dear Mr. Henson:

I have, and thank you for your letter of the 18th,
regarding the above-styled cause.

I am today forwarding a copy of your letter to the
Attorney for the Plaintiff and to the Circuit Court with my
Certificate.

Sincerely yours,

W. E. Henson
Secretary of State

cc: Hon. Allen B. Gannett
Attorney at Law

Mrs. Alice J. Pool
Clerk, Circuit Court
Baldwin County
Bay Minster, Alabama

T. E. MERCER

TEAMING AND TRUCKING CONTRACTOR
600 East Fifth Street
Fort Worth 1, Texas

C
O
P
Y

12

Honorable Sibyl Pool
Secretary of State
State of Alabama
Montgomery 4, Ala.

Sir:

This will acknowledge receipt of your registered letter of August 15, 1949, with which was enclosed summons and complaint in Case No. 1387 in the Circuit Court of Baldwin County, Alabama, Jesse Gillian, Plaintiff.

Shortly after the accident in question occurred adjusters for our insurance company conducted an investigation and, finding no liability on our part, took no further action. Your letter is the first knowledge we have had of a claim having been filed.

We are again referring the matter to our insurers with the request that they give this claim their preferred attention and comply with your summons, and appear for us.

Yours very truly,

T. E. Mercer
TEAMING AND TRUCKING CONTRACTOR

By /signed/ Wm. O. Compton

Wm. O. Compton

WOC-t

FILED
AUG 25 1949
U.S. DISTRICT COURT
Ft. Worth, Texas

MOORE

Mr. O. O. Campbell

By (Witness) Mr. O. O. Campbell

LEAVING AND TRUCKING COMPLETOR
T. E. Mercer

Yours very truly,

attention and comply with your summons, and express for us with the request that they give this claim their preferred We are again referring the matter to our insurance a claim having been filed. section. Your letter is the first knowledge we have had of tion and, finding no liability on our part, took no further registers for our insurance company conducted an investigation shortly after the accident in question occurred.

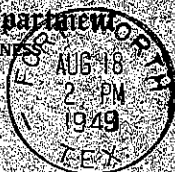
Belgian County, Wisconsin, Jesse Gillies, Plaintiff, and complaint in Case No. 13321 in the Circuit Court of letter of August 12, 1948, with which was enclosed summons This will acknowledge receipt of your registered

Montgomery A. A. A. A.
State of Wisconsin
Secretary of State
Montgomery A. A. A. A.

13
TOLD MORRIS J. LEXAS
900 East Fifth Street
LEAVING AND TRUCKING COMPLETOR
T. E. Mercer

FILED
AUG 24 1949
ALICE J. DUCK, Clerk

Post Office Department
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE \$300

RECEIVED
AUG 22 1949

WORTH FORT
POSTMARK OF DELIVERING
OFFICE
1949

Return to

Secretary of State

Street and Number,
or Post Office Box

The Capitol, Montgomery, Alabama

REGISTERED ARTICLE

No.

INSURED PARCEL

No.

MONTGOMERY,
ALABAMA.

RETURN RECEIPT

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

1 T.C. Mercer
(Signature or name of addressee)

2 Jerry Briggs
(Signature of addressee's agent—Agent should enter addressee's name on line 1 of card)

Date of delivery AUG 18 1949

RECEIVED
AUG 22 1949
SECRETARY OF
STATE