

STATE OF ALABAMA
BALDWIN COUNTY

1559
IN THE CIRCUIT COURT - LAW SIDE.

SUMMONS:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon George Kahalley, 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 J. S. Little.

Witness my hand this 14th day of September, 1950.

Archie J. Hester
Clerk.

COMPLAINT:

J. S. LITTLE,

Plaintiff,

vs.

GEORGE KAHALLEY,

Defendant.

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

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Nine Hundred Fifty and no/100 Dollars (\$950.00) as damages for that, on, to-wit, the 23rd day of February, 1950, the Defendant, George Kahalley, so negligently operated a motor vehicle on United States Public Highway No. 31, at a point near the intersection thereof with Moog Avenue, within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against, or to collide with a motor vehicle which was the property of the Plaintiff, and as a proximate result and consequence of said negligence of the Defendant, the Plaintiff's automobile was greatly damaged and wrecked, in that the hood was demolished, the fenders were bent, the radiator was ruined, the grill was bent; all to his damage as aforesaid; wherefore, Plaintiff brings this suit and asks judgment in his favor in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Nine Hundred Fifty and no/100 Dollars (\$950.00) as damages for that, on, to-wit, the 23rd day of February, 1950, the Defendant, George Kahalley, wantonly damaged or wrecked an automobile, the property of the Plaintiff, on United States Public Highway No. 31 at a point near the intersection thereof with Moog Avenue, within the corporate limits of Bay Minette, Baldwin County, Alabama, by then and there wantonly driving a motor vehicle against the automobile of the Plaintiff and as a proximate result of his wantonness, Plaintiff's automobile was damaged as aforesaid; wherefore Plaintiff brings this suit and asks judgment in his favor in the above amount.

Chason & Stone

By: Marlene P. Stone

James T. J. Culbertson & Jackson
Attorneys for Plaintiff.

Received in Sheriff's Office
this 14 day of Sept. 1950
TAYLOR WILKINS, Sheriff

Executed Sept 14 19 50
by serving copy of within Summons and
Complaint on

George Kahalley

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

We the jury find for
the plaintiff the sum
of \$600.00
J. J. Holmes

1559

SUMMONS & COMPLAINT

RECORDED

J. S. LITTLE,
Plaintiff,
vs.

GEORGE KAHALLEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

FILED

SEP 14 1950

ALICE J. DUCK, Clerk

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

We the jury find
for the Plaintiff
and assess his
damages at
\$600.00

J. J. Holmes
Foreman

J.S. Little
Plaintiff

v.

George Kahalley
Defendant

Circuit Court of Baldwin

County, Alabama

Law Side #1559

ANSWER

Comes now the Plaintiff, by his attorneys, and
for answer to Paragraph "6" of the Defendant's
answer as last amended says as follows:

(1) That he is not guilty of the
matters therein alleged

Cheson & Stone

By Marion P. Stone
Attys for Plaintiff

RECORDED

Filed: 10-17-51.

William J. Middlebury
Judge.

J. S. LITTLE,

Plaintiff

vs.

GEORGE KAHALLEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 1559

Comes now the Plaintiff, J. S. Little, by his attorneys, and for answer to Paragraphs "4" and "5" of the Defendant's answer as last amended, separately and severally, says:

1. That he is not guilty of the matters alleged therein.

2. That he is not guilty of the matters alleged in Paragraph "4" of the Defendant's answer as last amended.

3. That he is not guilty of the matters alleged in Paragraph "5" of the Defendant's answer as last amended.

CHASON & STONE

By:

Melone Stone
Attorneys for Plaintiff

J. S. LITTLE,

Plaintiff

vs.

GEORGE KAHALLEY,

Defendant

ANSWER OF PLAINTIFF

RECORDED

Filed 10-17-57

Deane J. Smith
Clerk

J.S. Little,
Plaintiff

v.

In The Circuit Court Of

Baldwin County, Alabama

George Kahalley,
Defendant

Law Side #1559

DEMURRER:-

Comes now the Plaintiff, by his attorneys, and demurs to the Defendant's Answer as last amended and to each paragraph thereof, separately and severally, and assigns the following separate and several grounds:

(1) That Paragraph "6" thereof is not a proper plea in that it attempts to set-off and recoup in the same plea.

(2) That Paragraph "6" thereof is not a defense to this suit.

(3) That Paragraph "6" thereof is defective in that it attempts to plead set-off and recoupment in the same plea.

Chason + Stone

By Marlene OS
Attys. for Plaintiff

RECORDED

Filed 10-17-51
Ariz. Gen. Sec.

J. S. Little
Plaintiff

vs
George Kahaley
Defendant

In the Circuit
Court of Madison
County, Alabama
as Last
1559

Now Comes the Defendant and
Answers his answers heretofore
filed in this cause by adding
Count 5, as follows:

5. The Defendant George Kahaley Claims
of the Plaintiff by way of recoupment
the sum of \$1500.00 as
damages for those heretofore on to wit
February 23, 1952, the Plaintiff acting
by and through his agent Purse
or employment so negligently
operated a motor vehicle on United
State Highway No 31 at a point
near the intersection thereof with
Moore Avenue, within the City limits
of Bay Minette, Baldwin County, Alabama
so to cause it to run into or against
the automobile in which the defendant
was riding at said time and place
and as a proximate result
of said negligence the Defendant
was injured as follows:

both knees injured; legs cut;
ribs injured; he was caused to lose
time from his work; he was caused
to incur doctor and medical bills,
which the defendant offers to set off
against the demands of the Plaintiff;

and claims judgment for the excess

Wm. H. Hall
Atty for Def

RECORDED

*Filed 10-17-51
Kingman
Clerk*

1659

MOTION TO STRIKE

J. S. LITTLE,

Plaintiff,

vs.

GEORGE KAHALLEY,

Defendant.

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: March 2nd, 1951.

W. J. H. H. H.
Clerk.

J. S. LITTLE
PLAINTIFF
VS
GEORGE KAHALLEY
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

LAW SIDE


NO. 1559

Now comes the Defendant and for answer to the Plaintiff's
~~complaint and to each count thereof separately and severally.~~

says:

1. That he is not guilty.
2. That the Plaintiff was guilty of negligence which proximately contributed to the damages complained of.
3. That the Plaintiff, acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment was guilty of negligence which proximately contributed to the damages complained of.
4. And for further answer to the Plaintiff's complaint and to each count thereof separately and severally, the Defendant says, at the time this action was commenced the Plaintiff was indebted to the Defendant in the sum of FIFTEEN HUNDRED (\$1500.00) DOLLARS in that ~~with~~ said time and place alleged in the bill of complaint to-wit: the 23rd day of February, 1950, the Plaintiff acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated a motor vehicle on United States Highway No. 31 at a point near the intersection thereof with Moog Avenue within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against, or to collide with a motor vehicle which was the property of the Plaintiff, and as a proximate result and consequence of said negligence, the Defendant's automobile was greatly damaged and wrecked as follows: Hood was demolished; the head lights broken; the frame was bent; the glasses in the body were broken; the front wheels were bent and broken; the body was bent and broken; the radiator was ruined; the grill was bent and broken; all to the damage of the Defendant, which the Defendant offers to set off against

the demands of the Plaintiff and he claims judgment for the
excess.


Attorney for Defendant

RECORDED

Filed: February 13, 1957

Selfair, Masliberry, Jr.
Judge.

J. S. LITTLE

PLAINTIFF

VS

GEORGE KAHALLEY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1559

Now comes the Defendant and demurs to the Plaintiff's complaint in this cause, and to each count thereof separately and severally says:

1.

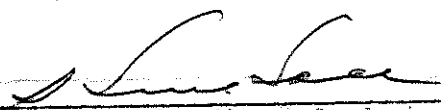
That said count does not state a cause of action.

2.


That said count charges negligence in the alternative.

3.

That said count charges the act rather than the injury as being the result of wanton negligence.


Solicitor for the Defendant

The Defendant demands a trial by jury.


Solicitor for the Defendant

18559

RECORDED

J. S. LITTLE

PLAINTIFF

VS

GEORGE KAHALLEY

DEFENDANT

DEMURRERS

FILED
SEP 21 1950
ALICE J. DUCK, Clerk

FILED
SEP 21 1950
ALICE J. DUCK, Clerk

J. S. LITTLE

PLAINTIFF

VS

GEORGE KAHALLEY

DEFENDANT

IN THE CIRCUIT COURT OF

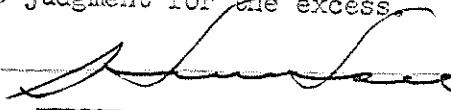
BALDWIN COUNTY, ALABAMA,

LAW SIDE

NO. 1559

Now comes the Defendant and amends his answer heretofore filed in this cause by adding thereto Plea five as follows:

5. Comes the Defendant George Kahalley and claims of the Plaintiff J. S. Little, by way of recoupment the sum of FIFTEEN HUNDRED (\$1500.00) DOLLARS damages for that heretofore on to-wit, February 23rd, 1950, the Plaintiff acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated a motor vehicle on United States Highway No. 31 at a point near the intersection thereof with Moog Avenue within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against, or to collide with a motor vehicle which was the property of the Plaintiff, and as a proximate result and consequence of said negligence, the Defendant's automobile was greatly damaged and wrecked as follows: hood was demolished; the head lights broken, the frame was bent; the glasses in the body were broken; the front wheels were bent and broken; the body was bent and broken; the radiator was ruined; the grill was bent and broken; all to the damage of the Defendant, which the Defendant offers to set off against the demands of the Plaintiff and he claims judgment for the excess.


Attorney for the Defendant

J. S. LITTLE

PLAINTIFF

VS

GEORGE KAHALLEY

DEFENDANT

AMENDED ANSWER

RECORDED

Filed 3-27-57
Alice J. Welch
clerk

1559

101599. Little vs Rahallcy
Jurors — Fall Term of 1951

NO.	NAME	OCCUPATION	RESIDENCE
1.	L. B. BROCK,	Farmer,	Robertsdale
2.	J. NICK SAWYER,	Salesman,	Magnolia Springs
3.	BERNARD DYKEMA,	Magnolia Springs	
4.	HILLARD V. STREET,	Ice Plant,	Fairhope
5.	ELBERT M. RHODES,	Farmer,	Summerdale
6.	NORVELLE CABLESS,	Filing Station,	Bay Minette
7.	WILLIAM GILHART,	Farmer,	Fairhope
8.	DOUGAL TAYLOR,	Laborer,	Bay Minette
9.	W. GAITHER HOBBS,	Merchant,	Bay Minette
10.	W. H. SWIFT,	Seafood Dealer,	Bon Secour
11.	LAWRENCE SUIT,	Carpenter,	Foley
12.	GEORGE F. STEVENSON,	Oil Agent,	Bay Minette
13.	CLAUDE S. WOODSON,	Furniture,	Bay Minette
14.	ERWIN A. KOEHLER,	Merchant,	Elberta
15.	JESSIE ANDREW,	Telephone Operator,	Daphne
16.	PRESTON FULFORD,	Seafood Dealer,	Bon Secour
17.	CHARLIE BARNETT,	Farmer,	Gateswood
18.	LEBERT WILSON,	Bookkeeper,	Stapleton
19.	TOM HOLMES,	R. E. A.,	Stockton
20.	LLOYD CLAY,	Laborer,	Fairhope
21.	DENNIS C. BYRNE,	Mechanic,	Bay Minette
22.	LLOYD A. BALLARD,	Radio Repair,	Bay Minette
23.	WILLIAM DRYER,	Contractor,	Daphne
24.	JAMES E. YOUNG,	Merchant,	Bay Minette
25.	GEORGE A. LYRENE,	Farmer,	Silverhill
26.	PHILLIP KRISS,	Farmer,	Silverhill
27.	HERSHEL GRAY,	Farmer,	Robertsdale
28.	DEAN E. BUSHNELL,	Newport,	Bay Minette
29.	MURREY BRYANT,	Stockton,	Stockton
30.	CHESTER R. WHITE,	Mechanic,	Bay Minette
31.	Ray Benson,	Liverstock,	Robertsdale
32.	Ray Benson,	Bay Minette	
33.	Henry Quinley,	City Rep.	Bay Minette
34.	Barbara White,	Bay Minette	
35.	Ray F. Emmons,	Brookley Field Rep.	S. M.
36.	Walter Carley,	Fleet,	Bay Minette
37.	W. B. Culver,	Nursery,	Bay Minette
38.	Tom Rogers,	Salisbury,	Bay Minette
39.	William, Barlow,	Farmer,	Bay Minette
40.	Raymond, Daphne,	Merchant,	Bay Minette
41.	Raymond, Daphne,	Merchant,	Bay Minette
42.	Don Davidson,	Bay Minette	

D. HHH +++++ +++++ 42
P. HHH HHH HHH 12
28.