

1722

STATE OF ALABAMA)
)
BALDWIN COUNTY) IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Georgia-Pacific Plywood & Lumber Company, a Corporation, and Robert A. Capell 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 Edward Valree, a minor, by Lela Valree, his next friend.

Witness my hand this 25th day of October, 1951.

Alvin J. Leach
Clerk.

=====

COMPLAINT:

EDWARD VALREE, a minor,	¶	
By Lela Valree, his next	¶	
friend,	¶	IN THE CIRCUIT COURT OF
	¶	BALDWIN COUNTY, ALABAMA
Plaintiff,	¶	
vs.	¶	LAW SIDE.
GEORGIA-PACIFIC PLYWOOD &	¶	
LUMBER COMPANY, a Corporation,	¶	
and ROBERT A. CAPELL,	¶	
Defendant.	¶	

COUNT ONE:

The Plaintiff claims of the Defendant, Georgia-Pacific Plywood & Lumber Company, a corporation, the sum of Twenty Thousand Dollars (\$20,000.00) as damages for that, on to-wit, the 20th day of November, 1950, the Defendant, acting by and through Robert A. Capell, as its servant, agent or employee, so negligently operated a motor vehicle on U. S. Highway #31 at a point to-wit, 1500 feet South of the intersection thereof with Magnolia Street, within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into or against Edward Valree, a minor, and as a proximate result and consequence of said negligence of the Defendant's said agent, servant or employee, while acting within the line and scope of his employment, the said Edward Valree was seriously and permanently injured in that he suffered a

concussion of the brain, multiple contusions and abraisions of his entire body, hemorrhage from his lungs, he suffered multiple fractures of both bones in his right leg between his knee and foot, his pelvis was fractured, his left hip was fractured, his back was broken, his right hip was dislocated, the cavity in which his left thigh bone was located was broken, his left foot is paralyzed, he was caused to suffer great mental and physical pain and anguish and to incur great expense for hospitalization, medical treatment, ambulance service and drugs; he lost a great length of time from work and he has been permanently crippled and injured; all to his damage as aforesaid; wherefore Plaintiff brings this suit as the next friend of the said Edward Valree, and asks judgment in her favor in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendants Twenty Thousand Dollars (\$20,000.00) as damages for that, on to-wit, the 20th day of November, 1950, the Defendant, Robert A. Capell, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Georgia-Pacific Plywood & Lumber Company, a Corporation, so negligently operated a motor vehicle on U. S. Highway #31 at a point to-wit, 1500 feet South of the intersection thereof with Magnolia Street within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into or against Edward Valree, a minor, and as a proximate result and consequence of said negligence the said Edward Valree was seriously and permanently injured in that he suffered a concussion of the brain, multiple contusions and abrasions of his entire body, hemorrhage from his lungs, he suffered multiple fractures of both bones in his right leg between his knee and foot, his pelvis was fractured, his left hip was fractured, his back was broken, his right hip was dislocated, the cavity in which his left thigh bone was located was broken, his left foot is paralyzed, he was caused to suffer great mental and physical pain and anguish and to incur great expense for hospitalization, medical treatment, ambulance service and drugs; he lost a great length of time from work and he has been

permanently crippled and injured; all to his damage as aforesaid; wherefore Plaintiff brings this suit as the next friend of the said Edward Valree, and asks judgment in her favor in the above amount.

COUNT THREE:

The Plaintiff claims of the Defendant Robert A. Capell, the sum of Twenty Thousand Dollars (\$20,000.00) as damages for that, on to-wit, the 20th day of November, 1950, the Defendant, Robert A. Capell, so negligently operated a motor vehicle on U. S. Highway #31 at a point to-wit, 1500 feet South of the intersection thereof with Magnolia Street, within the corporate limits of Bay Minette, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into or against Edward Valree, a minor, and as a proximate result and consequence of said negligence of the Defendant, the said Edward Valree was seriously and permanently injured in that he suffered a concussion of the brain, multiple contusions and abrasions of his entire body, hemorrhage from his lungs, he suffered multiple fractures of both bones in his right leg between his knee and foot, his pelvis was fractured, his left hip was fractured, his back was broken, his right hip was dislocated, the cavity in which his left thigh bone was located was broken, his left foot is paralyzed, he was caused to suffer great mental and physical pain and anguish and to incur great expense for hospitalization, medical treatment, ambulance service and drugs; he lost a great length of time from work and he has been permanently crippled and injured; all to his damage as aforesaid; wherefore Plaintiff brings this suit, as the next friend of the said Edward Valree and asks judgment in her favor, in the above amount.

COUNT FOUR:

The Plaintiff claims of the Defendant, Robert A. Capell, the sum of Twenty Thousand Dollars (\$20,000.00) as damages for that, on to-wit, the 20th day of November, 1950, the Defendant, Robert A. Capell, wantonly injured Edward Valree, a minor, on U. S. Highway #31 at a point to-wit, 1500 feet South of the intersection thereof with Magnolia Street, within the corporate limits of Bay Minette,

Baldwin County, Alabama, by then and there wantonly driving a motor vehicle against the said Edward Valree and as a proximate result of said wantonness the said Edward Valree was seriously injured in that he suffered a concussion of the brain, multiple contusions and abrasions of his entire body, hemorrhage from his lungs, he suffered multiple fractures of both bones in his right leg between his knee and foot, his pelvis was fractured, his left hip was fractured, his back was broken, his right hip was dislocated, the cavity in which his left thigh bone was located was broken, his left foot is paralyzed, he was caused to suffer great mental and physical pain and anguish and to incur great expense for hospitalization, medical treatment, ambulance service and drugs; he lost a great length of time from work and he has been permanently crippled and injured; all to his damage aforesaid; wherefore Plaintiff brings this suit as the next friend of the said Edward Valree and asks judgment in her favor in the above amount.

CHASON & STONE

By: Melvin P. Stone

Attorneys for Plaintiff.

The Plaintiff demands a trial
by jury.

CHASON & STONE

By: Melvin P. Stone

Attorneys for Plaintiff.

Defendants' address:

Steelwood, Alabama

3200 Brentwood Lane
Springhill, Alabama

Nov. 2 1951
by serving copy of within Summons and
Complaint on

Robert A. Capell

W. H. N. Leake Sheriff
By H. B. Sanders Deputy Sheriff

Executed Nov. 2 1951
by serving copy of within Summons and
Complaint on

J. A. Duncan as
Agent for Georgia-Pacific
Plywood & Lumber Co. a Corp.

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

SUMMONS AND COMPLAINT

EDWARD VALREE, a minor,
By: Lela Valree, his next
friend,

Plaintiff,

vs.

GEORGIA-PACIFIC PLYWOOD &
LUMBER COMPANY, a Corporation,
and ROBERT A. CAPELL.

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: October 15, 1951

FILED

OCT 25 1951

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

BALDWIN

Law Division

State of Alabama--~~Mobile~~ County

CIRCUIT COURT, OCTOBER TERM 19 51

EDWARD VALREE, Minor by
LELA VALREE his next friend

Law Division

-----Plaintiff-----
#1722

Mobile, Ala., November, 20, th. 1951.

vs.

Georgia-Pacific Plywood and
Lumber Company, a Corporation
and Robert A. Capell
-----Defendants-----

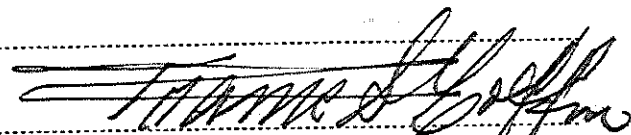
Frank S. Coffin appears for
833 First Natl. Bank Bldg.

Georgia-Pacific Plywood & Lumber
Company a Corporation. Defendants

in the above entitled cause and reserve the right to demur or plead specially.

and file any special pleadings that may hereafter be

deemed appropriate.



Attorney for Georgia-Pacific
Plywood & Lumber Company
A Corporation

RECORDED

No.

APPEARANCE

vs.

Filed in Office

....., 19.....

Clerk

ALICE J. DUCK, Clerk

NOV 21 1951

FILED

EDWARD VALREE, a Minor
By Lela Valree, his next
friend.

Plaintiff

Vs.

GEORGIA-PACIFIC PLYWOOD
& LUMBER COMPANY, A CORPORATION
and ROBERT A. CAPELL

Defendants.

*
*
* Circuit Court
*
* Baldwin County, Ala.
*
* Law Division
*
* # I722
*
*
*

Comes the defendant Georgia-Pacific Plywood & Lumber Company a Corporation, one of the defendants in the above entitled cause, and files this his demurrer in said cause, and assigns said demurrer and each and every ground thereof to each and every count of the bill of complaint, separately and severally, and as grounds for said demurrer set forth the following separate and several grounds, to-wit:-

I.

Said count is vague, indefinite and uncertain, in that it fails to appraise the defendant of sufficient facts in order for the defendant to make proper defense.

2.

Said counts fail to set forth a valid cause of action against this defendant.

3.

From aught that appears from the allegations of said counts, the minor alleged to have been injured was a trespasser at the time of the injury and at the place of the injury.

3.

There are not sufficient facts alleged to show that this defendant owed the said minor alleged to have been injured a duty.

4.

Said counts fail to allege that the injury occurred on a public highway in the State of Alabama.

5.

From aught that appears from the allegation of the complaint, the place of the injury was on private property, and there was no duty on the defendant not to injure the plaintiff.

6.

Said counts fails to allege that the alleged accident occurred on a public highway in the State of Alabama, or that the place said accident is alleged to have occurred was on a public highway.

7.

There are no facts alleged or sufficient facts alleged to show whether the minor alleged to have been injured was a passenger in an automobile, either of the defendant Robert A.

Capell or was walking on the street or highway at the time of the alleged accident.

8.

The allegations of the count fail to show that the defendant Robert A. Capell owed the injured party any duty as to not injuring him.

9.

There are no allegations in the count, showing or tending to show, that at the time of the alleged injury, the plaintiff had been emancipated, and was dependent upon his labor for a livelihood, hence plaintiff's claim for loss of time or for medical expenses is not an element of damages that can be claimed by the plaintiff.

10.

Said counts fail to allege what defendant was acting by and through Robert A. Capell, as its servant, agent or employee.

11.

The allegations of said count fail to aver sufficient facts to appraise the defendant of what he is expected to defend, in that it does not state, where on the highway, the alleged accident occurred, if the plaintiff was a public high-way, whether the plaintiff was walking, riding or sitting on the high-way at the time of the alleged accident.

12.


The allegations of said count fail to set forth and allege sufficient facts to make out a case against the defendant.

13.

From aught that appears from the allegations of said counts, the plaintiff on a private road or street, and could have been a trespasser at the time of the alleged injury.

14.

There are not facts alleged showing that this defendant owed the plaintiff any duty of protection from accident or injury.


AS ATTORNEY FOR GEORGIA-PACIFIC PLY-
WOOD & LUMBER COMPANY, a corporation,
Defendant.

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FILED
DEC 6 1951
ALICE B. DUCK, Clerk

1710

RECORDED

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Frank S. Coffin
Attorney at Law
833 First National Bank Bldg.
Mobile, Alabama

November, 20, 1951

Clerk Circuit Court:
Baldwin County, Ala.

Bay Minette, Ala.

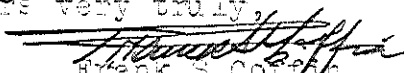
Dear Sir:- RE:- Edward Valree
Vs.
Georgia Pacific Plywood Co
et Als. # 1722 Law Division

I am inclosing herewith an appearance that I wish to file in the above entitled cause which is now pending in your court. Kindly acknowledge receipt of same.

I would also greatly appreciate if you will be kind enough to advise me the terms of your court, and how often you hold court during the year. If you issue list of setting I would greatly appreciate your mailing me a list when it is ready to go forward.

This present case was filed October, 25, 1951, and I am wonder if you can give me an idea of about when it will be set for trial.

Thanking you in advance for your promptness and courtesy in this matter, I remain,

Yours very truly,

Frank S. Coffin

FSC/c

SMITH, HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY H. SMITH
COUNSELOR
CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE

THOMAS G. GREAVES, JR.
WM. BREVARD HAND
J. JEPHTHA HILL

CABLE ADDRESS: HAB

November 29, 1951

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

Dear Mrs. Duck:

We enclose general Appearance which
we request that you file in the case therein
styled on our behalf.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

By: *Wm. Brevard Hand*

WBH/ta

FILED

NOV 30 51

ALICE J. DUCK, Clerk

EDWARD VALREE, a minor,
by Lela Valree, his next
friend,

Plaintiff,

Vs.

GEORGIA-PACIFIC PLYWOOD &
LUMBER COMPANY, a corporation,
and ROBERT A. CAPELL,

Defendants.

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

) LAW SIDE

) No. 1722

D E M U R R E R

Comes now Robert A. Capell, one of the defendants in the
above styled cause, and demurs to the complaint herein filed against
him and to each count thereof, separately and severally, and for
separate and several grounds of said demurrer assigns the following
separately and severally:

1. Said count wholly fails to state a cause of action
against this defendant.

2. Said count does not allege sufficient facts entitling
plaintiff to recover of this defendant.

3. Said count asks judgment in favor of Lela Valree, and it
affirmatively appears from said count that she is not entitled to
judgment in her favor.

4. Said count asks for judgment in favor of Lela Valree,
and it does not appear wherein said Lela Valree is entitled to
judgment in her favor.

Smith Hand Arendall & Bedsole
Attorneys for Defendant Robert
A. Capell

RECORDED

NO. 1722

EDWARD VALREE, a minor,
by Lela Valree, his next
friend,

Plaintiff,

Vs.

GEORGIA-PACIFIC PLYWOOD
& LUMBER COMPANY, a corp-
oration, and ROBERT A.
CAPELL,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

DEMURRER

Smith, Hand, Arendall &
Bedsole, Attorneys for Defend-
ant Robert A. Capell

FILED

DEC 4 1951

ALICE J. DUCK, Clerk

State of Alabama---^{Baldwin}Mobile County

CIRCUIT COURT, OCTOBER TERM 19 51

Edward Valree, a minor, by

Lela Valree, his next friend

vs.

Bay Minette, Ala.

Mobile, Ala., November 29, 19 51

Georgia-Pacific Plywood & Lbr.

Co., a corporation, and Robert

A. Capell

Smith, Hand, Arendall & Bedsole appear for

Robert A. Capell Defendants

in the above entitled cause and reserve the right to demur or plead specially.

Smith, Hand, Arendall & Beddole

By:

Wm. B. Hand
Attorney for Defendant

RECORDED

No. 1722

APPEARANCE

vs.

Filed in Office

FILED, 19

NOV 30 1951

ALICE J. DUCK, Clerk

Clerk

SMITH, HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY H. SMITH
COUNSELOR
CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE

THOMAS G. GREAVES, JR.
WM. BREVARD HAND
J. JEPHTHA HILL

CABLE ADDRESS: HAB

December 3, 1951

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

Dear Mrs. Duck:

We enclose demurrer in the case
therein styled which we request that
you please file for us.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

By: *Wm. Brevard Hand*

WBH/ta
Encl.

FILED
DEC 4 1951
ALICE J. DUCK, Clerk

EDWARD VALREE, a minor,
By: LELA VALREE, his next
friend,

Plaintiff,

vs.

GEORGIA PACIFIC PLYWOOD &
LUMBER COMPANY and ROBERT
A. CAPELL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE. NO. 1722.

This day came the parties, by their attorneys, and the demand for the jury trial of this cause having been withdrawn by consent and now also comes the Plaintiff, Edward Valree, a minor, by Lela Valree, his next friend, and it appearing to the Court that the Defendants are properly before this Court; and the Court having heard and considered the testimony of the said Lela Valree, is of the opinion that the Plaintiff should have and recover of the Defendants, the sum of Fifteen Hundred Dollars (\$1500.00) together with the costs of this suit, it is, therefore;

ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Edward Valree, a minor, by Lela Valree, his next friend, have and recover of the Defendants, Georgia Pacific Plywood and Lumber Company and Robert A. Capell, the sum of Fifteen Hundred Dollars (\$1500.00), together with the costs in this behalf expended, for all of which let execution issue.

Dated this 8th day of March, 1952, at Bay Minette, Baldwin County, Alabama.

Telfair J. Mashburn, Jr.
Telfair J. Mashburn, Jr., Circuit
Judge, 28th Judicial Circuit of the
State of Alabama.

$\frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{y}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{z}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{\phi}^2 \right)$

722

[illegible]

 Springer

Figure 1. (a) Schematic diagram of the experimental setup. (b) Photograph of the experimental setup.

[illegible]