

J. H. PAISLEY,

Plaintiff,

vs.

MAURICE C. HILL,

Defendant.

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


Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and to each and every count thereof separately and severally, and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint is vague and indefinite.
3. That said complaint does not allege any duty owing by the Defendant to the Plaintiff.
4. That said complaint does not sufficiently state the time that such accident occurred.
5. That said complaint does not state that the Defendant negligently injured the Plaintiff.
6. That count 1 of said complaint does not allege that the Plaintiff would have had use of such automobile in connection with his business during the eight weeks which he claims it was damaged.
7. For aught that appears in count 1 of said complaint the Plaintiff could have had such automobile repaired in less than eight weeks.
8. That the allegation in count 2 that the Plaintiff was permanently injured is but a conclusion of the pleader and does not state what permanent injuries he received.
9. That count 2 of said complaint does not allege how much time the Plaintiff lost from his work.
10. That count 3 of the complaint does not allege that the Plaintiff was injured by the loss of the use of his car for eight weeks.
11. That it is not alleged in count 3 of the complaint that the Plaintiff would have had any use of his automobile during the period of time it was injured.

12. That it is not alleged in count 3 of the complaint that the Plaintiff used due diligence in repairing his automobile.

13. That it is not alleged in count 4 of the complaint the amount of time that the Plaintiff lost from his work.

14. That it is not alleged in count 4 of the complaint the manner in which the Plaintiff was permanently injured or what such permanent injuries consisted of.


Attorneys for Defendant.

1766

RECORDED
DEMURRER

J. H. PAISLEY,

Plaintiff,

vs.

MAURICE C. HILL,

Defendant.

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

Filed: March 20, 1952.

Alice J. Duck
Clerk.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons MAURICE C. HILL 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. H. FAISLEY.

WITNESS my hand, this 25th day of February, 1952.

Alice J. Duck
Clerk

J. H. FAISLEY

PLAINTIFF

VS

MAURICE C. HILL

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

1.

The Plaintiff claims of the Defendant the sum of THREE THOUSAND (\$3000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was operating his automobile along U. S. Highway 90, at a point approximately 1½ miles West of Malbis Restaurant in Baldwin County, Alabama; that at said time and place the Defendant so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into or collide with the automobile of the Plaintiff, and as a proximate result of the said negligence on the part of the Defendant at said time and place, the Plaintiff's car was damaged as follows: the front axle was bent, the hood was bent and broken; the radiator was bent and broken; the body was bent and broken; the glasses were broken; the frame was bent; and the car was otherwise damaged; that at the time the Plaintiff was using said automobile in connection with his business, and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of his car for to-wit: eight weeks; all to the damage of the Plaintiff as aforesaid.

2.

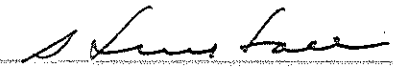
The Plaintiff claims of the Defendant the further sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was riding in an automobile along U. S. Highway 90 at a point approximately $\frac{1}{2}$ miles West of Malbis Restaurant in Baldwin County, Alabama; that the Defendant at said time and place so negligently operated an automobile which he was driving along said Highway in said time and place as to cause it to run into or against an automobile in which the Plaintiff was riding, and as a proximate result of said negligence the Plaintiff was injured as follows: his arms were injured; he was injured about the body; his chest was injured; he was permanently injured; he was caused to lose time from his work; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

3.

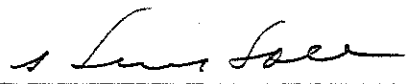
The Plaintiff claims of the Defendant the further sum of THREE THOUSAND (\$3000.00) DOLLARS as damages for that heretofore on, to-wit, March 30, 1951, the Plaintiff was operating his automobile along U. S. Highway 90 at a point approximately $\frac{1}{2}$ miles West of Malbis Restaurant, in Baldwin County, Alabama; that the said time and place the Defendant acting by and through his agent, servant or employee who was acting within the line and scope of his employment so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into the automobile of the Plaintiff and as a proximate result of the said negligence of the agent, servant or employee of the Defendant, while acting within the line and scope of his employment, the automobile of the Plaintiff was damaged as follows: the front axle was bent, the hood was bent and broken; the radiator was bent and broken; the body was bent and broken; the glasses were broken; the frame was bent; and the car was otherwise damaged; that at the time the Plaintiff was using said automobile in connection with his business, and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of his car for to-wit, eight weeks; all to the damage of the Plaintiff as aforesaid.

4.

The Plaintiff claims of the Defendant the further sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was riding in an automobile along U. S. Highway 90 at a point approximately $\frac{1}{2}$ miles West of Malbis Restaurant in Baldwin County, Alabama; that the Defendant, acting by and through his agent, servant or employee who was acting within the line and scope of his employment so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into the automobile of the Plaintiff and as a proximate result of the said Negligence of the agent, servant or employee of the Defendant, while acting within the line and scope of his employment, the Plaintiff was injured as follows: his arms were injured; he was injured about the body; his chest was injured; he was permanently injured; he was caused to lose time from his work; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.


Attorney for the Plaintiff

The Plaintiff demands a trial by jury.


Attorney for the Plaintiff

Defendant's address
Maurice C. Hill
419 E. 48th St.
New York, 17 N.Y.

222

Received in Sheriff's Office
this 28 day of Feb, 1952
TAYLOR WILKINS, Sheriff

RECEIVED IN OFFICE
FEB 29 1952
G. A. MOSLEY, Sheriff

EXECUTED BY DELIVERING
3 copy of this within

To Agnus Baggett
Sec. of State
OF THE State of Ala
AND SAID Agnus Baggett
WAS SUCH WHEN SO TESTED
This the Feb 29 1952
G. A. Mosley
Sheriff Montgomery County
By Goodwyn
Deputy Sheriff

RECORDED #1766

J. H. PAISLEY
PLAINTIFF
VS
MAURICE C. HILL
DEFENDANT

BILL OF COMPLAINT

FILED
FEB 25 1952
ALICE J. DUCK, Clerk

J. H. PAISLEY,

Plaintiff,

vs.

MAURICE C. HILL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1766.

Comes the Defendant in the above styled cause and for plea to the Complaint filed in said cause and each and every count thereof, separately and severally, says:

1. Not guilty.

2. That the Plaintiff, at the time and place complained of, was guilty of negligence which proximately contributed to his injuries and damages in this: that he negligently drove his automobile at a high rate of speed into or against the automobile of the Defendant.


Attorneys for Defendant.

RECORDED

PLEAS

J. H. PAISLEY,

Plaintiff,

vs.

MAURICE C. HILL,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1766.

Filed: September 22, 1952.

Jeffrey M. McHenry
Clerk.

IN THE CIRCUIT COURT

of

BALDWIN COUNTY, ALABAMA

AT LAW. CASE NO. 1766

J. H. Paisley, Plaintiff

vs

Maurice C. Hill, Defendant

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on February 29 1952, I sent by registered mail in an envelope addressed as follows:

" Maurice C. Hill
419 E. 48th Street
New York 17, New York"

"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:

" Maurice C. Hill
419 E. 48th Street
New York 17, New York

You will take notice that on February 29, 1952 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled

J. H. Paisley, Plaintiff vs Maurice C. Hill,

Defendants in the Circuit Court of Baldwin

County, Alabama, Case No. 1766, 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 29th day of February, 1952.

Signed) Agnes Baggett

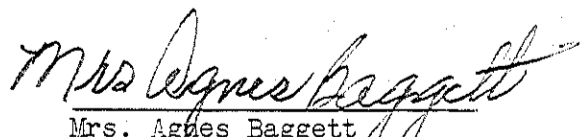
Mrs. Agnes Baggett
Secretary of State "

Enclosures - 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.

I further certify that on March 6th, 1952, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at New York, New York on March 3rd 1952.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6th day of March, 1952.


Mrs. Agnes Baggett
Secretary of State

Enclosures - (Return card
and copy of summons and
complaint)

RECEIVED
FEB 29 1952
SECRETARY OF
STATE

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons MAURICE C. HILL 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. H. PAISLEY.

WITNESS my hand, this 25th day of February, 1952.

Reece J. Leach
Clerk

J. H. PAISLEY

PLAINTIFF

VS

MAURICE C. HILL

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

1.

The Plaintiff claims of the Defendant the sum of THREE THOUSAND (\$3000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was operating his automobile along U. S. Highway 90, at a point approximately 1½ miles West of Malbis Restaurant in Baldwin County, Alabama; that at said time and place the Defendant so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into or collide with the automobile of the Plaintiff, and as a proximate result of the said negligence on the part of the Defendant at said time and place, the Plaintiff's car was damaged as follows: the front axle was bent, the hood was bent and broken; the radiator was bent and broken; the body was bent and broken; the glasses were broken; the frame was bent; and the car was otherwise damaged; that at the time the Plaintiff was using said automobile in connection with his business, and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of his car for to-wit: eight weeks; all to the damage of the Plaintiff as aforesaid.

2.

The Plaintiff claims of the Defendant the further sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was riding in an automobile along U. S. Highway 90 at a point approximately $1\frac{1}{2}$ miles West of Malbis Restaurant in Baldwin County, Alabama; that the Defendant at said time and place so negligently operated an automobile which he was driving along said Highway in said time and place as to cause it to run into or against an automobile in which the Plaintiff was riding, and as a proximate result of said negligence the Plaintiff was injured as follows: his arms were injured; he was injured about the body; his chest was injured; he was permanently injured; he was caused to lose time from his work; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

3.

The Plaintiff claims of the Defendant the further sum of THREE THOUSAND (\$3000.00) DOLLARS as damages for that heretofore on, to-wit, March 30, 1951, the Plaintiff was operating his automobile along U. S. Highway 90 at a point approximately $1\frac{1}{2}$ miles West of Malbis Restaurant, in Baldwin County, Alabama; that the said time and place the Defendant acting by and through his agent, servant or employee who was acting within the line and scope of his employment so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into the automobile of the Plaintiff and as a proximate result of the said negligence of the agent, servant or employee of the Defendant, while acting within the line and scope of his employment, the automobile of the Plaintiff was damaged as follows: the front axle was bent, the hood was bent and broken; the radiator was bent and broken; the body was bent and broken; the glasses were broken; the frame was bent; and the car was otherwise damaged; that at the time the Plaintiff was using said automobile in connection with his business, and as a proximate result of the said negligence on the part of the Defendant the Plaintiff lost the use of his car for to-wit, eight weeks; all to the damage of the Plaintiff as aforesaid.

4.

The Plaintiff claims of the Defendant the further sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that heretofore on to-wit, March 30, 1951, the Plaintiff was riding in an automobile along U. S. Highway 90 at a point approximately 1 1/2 miles West of Malbis Restaurant in Baldwin County, Alabama; that the Defendant, acting by and through his agent, servant or employee who was acting within the line and scope of his employment so negligently operated an automobile which he was driving along said highway at said time and place as to cause it to run into the automobile of the Plaintiff and as a proximate result of the said Negligence of the agent, servant or employee of the Defendant, while acting within the line and scope of his employment, the Plaintiff was injured as follows: his arms were injured; he was injured about the body; his chest was injured; he was permanently injured; he was caused to lose time from his work; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

J. L. L. L.
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

J. L. L. L.
Attorney for the Plaintiff

Defendant's Address
Maurice C. Hill
419 E. 48th St.
New York, N.Y.

THE

[illegible][illegible]

WORLD OF

FILED

FEB 1 25 1952

ALICE J. DUCK, Clerk

Maurice J. Hill was employed by the defendant, J. H. Patzley, as a driver of a truck. He was injured on the 25th day of February, 1952, while on duty. The injury was caused by the negligence of the defendant. The defendant is liable for the damages sustained by the plaintiff. The plaintiff is entitled to compensation for the damages sustained. The defendant is liable for the damages sustained. The plaintiff is entitled to compensation for the damages sustained.

J. H. PATZLEY
 VS
 MAURICE J. HILL
 BILL OF COMPLAINT
 FILED
 FEB 25 1952

Form 3511
10-2-20

RETURN RECEIPT

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

1 Thames & Hill
(Signature of addressee)

2 1000 1/2 St. N. W. Wash. D. C. 100
(Signature of addressee - If not addressee, name of the ONE above)

Date of delivery 19

U. S. GOVERNMENT PRINTING OFFICE 16-22211-1

Post Office Department
OFFICIAL BUSINESS

FORWARDED FOR POSTAGE TO AVOID PAYMENT OF POSTAGE



Relation to Secretary of State
(NAME OF BENEFITARY)

City and Number of Post Office Box Montgomery, Alabama

REGISTERED ARTICLE

No. 51983

INSURED PARCEL

MONTGOMERY,
ALABAMA