

HENRY HESSE,

Plaintiff,

vs

T. R. WHATLEY,

Defendant,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 1882.

PLEA IN ABATEMENT

Comes now Jimmy R. Whatley, by his attorneys, and appearing specially for the purpose of filing his Plea In Abatement and for no other purpose, pleads in abatement to the Complaint heretofore filed in this Court, which was served upon him, and assigns the following separate and several grounds in support of his plea:

(1) That there is a misnomer of the party Defendant herein.

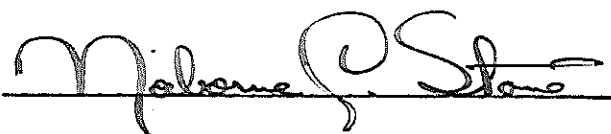
(2) That service has not been had upon the said Jimmy R. Whatley as provided in the Code of Alabama of 1940 as amended.

(3) That his name is Jimmy R. Whatley and not T. R. Whatley.

Respectfully submitted,

CHASON & STONE

BY:



RECORDED

HENRY HESSE,

Plaintiff,

vs.

T. R. WHATLEY,

Defendant.

PLEA IN ABATEMENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1882.

FILED

FEB 18 - 1953

MADE L. HARRIS, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

HENRY HESSE,	*	IN THE CIRCUIT COURT OF
	*	
Plaintiff,	*	BALDWIN COUNTY, ALABAMA.
	*	
VS	*	AT LAW.
	*	
T. R. WHATLEY,	*	NO. 1882
	*	
Defendant.	*	

COUNT ONE:

Plaintiff claims of the defendant the sum of Twenty Five Thousand and no/100 (\$25,000.00) Dollars for that heretofore on, to-wit, the 1st day of August, 1952, the defendant so negligently operated an automobile westwardly on Alabama Highway No. 89, a public highway in Baldwin County, Alabama, at a point about two miles west of Foley, Alabama, as to cause or allow said automobile to run into, upon and against the automobile belonging to and being driven by the plaintiff, which was then and there being driven in a eastwardly direction on said Alabama Highway 89 at said time and place, and as a direct and proximate result of said negligence as aforesaid, plaintiff's automobile was badly broken, bent, and damaged, the plaintiff lost the use of his automobile, which was used in his business, for a long period of time; and the plaintiff was seriously and permanently injured and damaged, his body was bruised and lacerated, he suffered three cracked, broken, and fractured ribs, he suffered cuts and bruises in and about the face, head and ears, he suffered cuts and bruises all over his body, his eye glasses were broken, he suffered a bruised or pulled muscle in his left leg, his teeth were cracked, he was caused to suffer and will continue to suffer great physical pain and mental anguish, he was caused to incur medical expense in and about the care and treatment of his said injuries and will continue to incur medical expense in the future in caring for his said injuries; he was made sick and sore; he was caused to

lose time from his work; he was and will be permanently scarred, disfigured, disabled, and injured, he was caused to have a knot form in his right leg, his ankles were caused to swell and become sore, and he was caused to lose a contract of employment, all to the plaintiff's damage, hence this suit.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Defendant resides and may be served at Barrin Field, Foley, Alabama.

1. The Commission of the European Communities (CEC) has been established by the Council of Ministers of the European Community (EC) in 1957.

2. The CEC is an independent institution, which is not subject to the political control of the Council of Ministers.

3. The CEC is responsible for the implementation of the Community's budget and for the management of the Community's financial resources.

4. The CEC is also responsible for the management of the Community's external relations and for the implementation of the Community's foreign policy.

5. The CEC is also responsible for the management of the Community's internal relations and for the implementation of the Community's internal policy.

6. The CEC is also responsible for the management of the Community's external relations and for the implementation of the Community's foreign policy.

7. The CEC is also responsible for the management of the Community's internal relations and for the implementation of the Community's internal policy.

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9. The CEC is also responsible for the management of the Community's internal relations and for the implementation of the Community's internal policy.

10. The CEC is also responsible for the management of the Community's external relations and for the implementation of the Community's foreign policy.

11. The CEC is also responsible for the management of the Community's internal relations and for the implementation of the Community's internal policy.

12. The CEC is also responsible for the management of the Community's external relations and for the implementation of the Community's foreign policy.

13. The CEC is also responsible for the management of the Community's internal relations and for the implementation of the Community's internal policy.

14. The CEC is also responsible for the management of the Community's external relations and for the implementation of the Community's foreign policy.

FILED
OCT 28 1952
ALICE A. BICK, Clerk

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1882

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon T. R. WHATLEY

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. R. WHATLEY

, Defendant

by

HENRY HESSE

, Plaintiff

Witness my hand this 28th day of October 1952.

Henry Hesse

, Clerk

RECORDED

No. 1882

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Henry Jesse

Plaintiffs

vs.

J. R. Whately

Defendants

SUMMONS and COMPLAINT

Filed 10-28, 1952

Henry Jesse Clerk

Plaintiff's Attorney

Defendant's Attorney

1037

RECEIVED IN OFFICE
Defendant lives at

OCT 30 1952

RECEIVED IN OFFICE

MOSELEY, Sheriff

19 52

Major & William, Sheriff

I have executed this summons

this Oct 30, 1952
by leaving 3 copy with

Agnes Duggitt
in feet of state

H. R. Mosley Sheriff

Deputy Sheriff

IN THE CIRCUIT COURT

Henry Hesse, Plaintiff

of

BALDWIN COUNTY, ALABAMA

vs

AT LAW NO. 1882

T. R. Whatley, Defendant

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on October 30 1952, I sent by registered mail in an envelope addressed as follows:

" T. R. Whatley
Barrin Field
Foley, Alabama"

"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:

" T. R. Whatley
Barrin Field
Foley, Alabama

You will take notice that on October 30, 1952 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled

Henry Hesse, Plaintiff vs T. R. Whatley,

Defendants in the Circuit Court of Baldwin

County, Alabama, Case No. 1882, 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 30th day of October, 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 November 1, 1952, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Barrin Field, Alabama and signed on (not given), 1952.
"Jimmie R. Whatley"

WITNESS MY HAND and the Great Seal of the State of Alabama this the 1st day of November, 1952.

Mrs. Agnes Baggett

Mrs. Agnes Baggett
Secretary of State

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

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

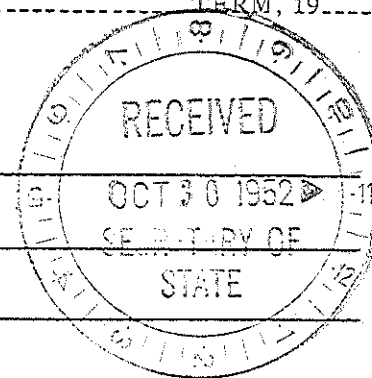
CIRCUIT COURT, BALDWIN COUNTY

No. 1052

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon



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. R. WHEATLEY

, Defendant

by

HERBERT J. WHEATLEY

, Plaintiff

Witness my hand this 28th day of October 1952

Herbert J. Wheatley

, Clerk

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed _____, 19____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19____

_____, Sheriff

I have executed this summons

this _____, 19____
by leaving a copy with

Sheriff

Deputy Sheriff

HENRY HESSE,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
T. R. WHATLEY,	*	NO.
Defendant.	*	

COUNT ONE:

Plaintiff claims of the defendant the sum of Twenty Five Thousand and no/100 (\$25,000.00) Dollars for that heretofore on, to-wit, the 1st day of August, 1952, the defendant so negligently operated an automobile westwardly on Alabama Highway No. 89, a public highway in Baldwin County, Alabama, at a point about two miles west of Foley, Alabama, as to cause or allow said automobile to run into, upon and against the automobile belonging to and being driven by the plaintiff, which was then and there being driven in a eastwardly direction on said Alabama Highway 89 at said time and place, and as a direct and proximate result of said negligence as aforesaid, plaintiff's automobile was badly broken, bent, and damaged, the plaintiff lost the use of his automobile, which was used in his business, for a long period of time; and the plaintiff was seriously and permanently injured and damaged, his body was bruised and lacerated, he suffered three cracked, broken, and fractured ribs, he suffered cuts and bruises in and about the face, head and ears, he suffered cuts and bruises all over his body, his eye glasses were broken, he suffered a bruised or pulled muscle in his left leg, his teeth were cracked, he was caused to suffer and will continue to suffer great physical pain and mental anguish, he was caused to incur medical expense in and about the care and treatment of his said injuries and will continue to incur medical expense in the future in caring for his said injuries; he was made sick and sore; he was caused to

LAW OFFICES OF
HOWELL AND JOHNSTON

FIRST NATIONAL BANK ANNEX

P. O. BOX 1652

MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, II
ALICE LOUISE MANRY

October 27, 1952

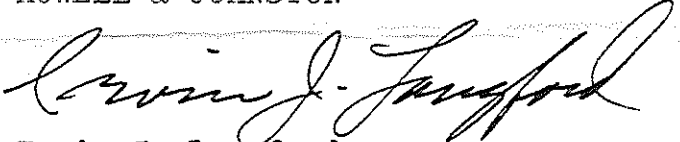
Mrs. Alice Duck, Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

You will please find enclosed the original and three copies of complaint in a case styled Henry Hesse vs T. R. Whatley. You will also find enclosed a check No. 10189 in the amount of \$3.00. You can see from this complaint that the defendant is a non resident and we are requesting that you effect service in this case through the Secretary of State as is provided by Title 7, Section 199 of the 1940 Code of Alabama.

Very truly yours,

HOWELL & JOHNSTON


Irvin J. Langford

IJL:bh
Encs.

NOTES ON THE LIEBOWITZ

1882
ANALYSIS OF THE LIEBOWITZ

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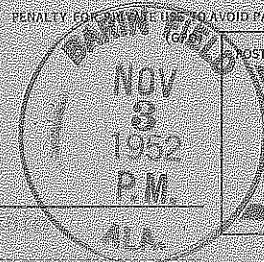
NOTES ON THE LIEBOWITZ

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NOTES ON THE LIEBOWITZ

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR NON-USE TO AVOID PAYMENT OF POSTAGE, \$300



POSTMARK OF DELIVERING
OFFICE

Return to

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Montgomery, Alabama

REGISTERED ARTICLE

No.

INSURED PARCEL

MONTGOMERY,

ALABAMA.

No.

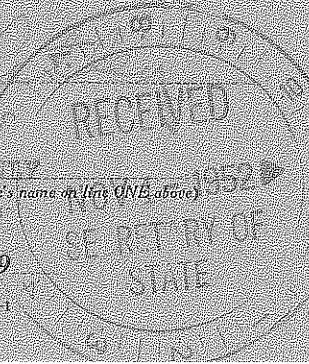
RETURN RECEIPT

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

1 James R. Chatley
(Signature or name of addressee)

2 DELIVER TO ADDRESSEE ONLY
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 19



lose time from his work; he was and will be permanently scarred, disfigured, disabled, and injured, he was caused to have a knot form in his right leg, his ankles were caused to swell and become sore, and he was caused to lose a contract of employment, all to the plaintiff's damage, hence this suit.

Samuel F. Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial by jury.

Samuel F. Johnston
ATTORNEYS FOR PLAINTIFF

Defendant resides and may be served at Barrin Field, Foley, Alabama.

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1862

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