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MRS. THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,
AND HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

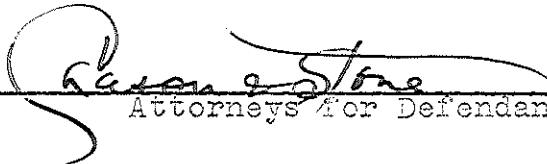
AT LAW

CASE NO. 1943.

Come the Defendants in the above styled cause, acting by and through their Attorneys of Record, Chason & Stone, and show unto this Court and unto your Honor as follows:

That the Defendant, Grady Eugene Allen, is a minor and is now in Military Service of the United States of America and therefore unable to properly defend this cause of action and in his absence the Defendant, Houston Allen, is unable to properly defend such cause of action.

WHEREFORE, the Defendants pray that this cause of action will be continued until the said Grady Eugene Allen is released from the Military Service of the United States of America or allowed sufficient time from such service in which to properly defend such cause of action.


Attorneys for Defendants.

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SUGGESTION ~~FOR~~ MILITARY SERVICE

MRS. THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,
AND HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1943.

Filed the 16th of July, 1953.

Alice French
Clerk

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Hasan & Stone
Attorneys for Defendants.

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P L E A

THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN, a minor,
and Houston Allen,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: April 29th 1953

Archie H. Hester
Clerk.

THOMAS F. CARLTON,
Plaintiff,

vs.

GRADY EUGENE ALLEN and
HOUSTON ALLEN,
Defendants.

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

Come the Defendants in the above styled cause and demur to the Amended Complaint filed by the Plaintiff in said cause on March 13, 1953, and as grounds for said demurrer, assign the following separately and severally:

1. That said Complaint does not state a cause of action.
2. That the allegation in Count One of said Complaint "that at said time and place the Defendant, acting by and through Grady Eugene Allen", does not allege which Defendant was acting by and through the person named.
3. That the allegation in Count One of said Complaint "acting by and through Grady Eugene Allen, his agent, servant or employee", does not allege that the said Grady Eugene Allen was such agent, servant or employee.
4. That the allegation in Count One of said Complaint "who was then and there acting within the line and scope of his employment", does not allege that he was acting within the line and scope of his employment as such agent, servant or employee.
5. That Count One of said Complaint does not allege that the Defendants negligently injured the Plaintiff.
6. That Count Two of said Complaint does not allege which Defendant was acting by and through Grady Eugene Allen.
7. That the allegation in Count Two in regard to agency does not allege whether such Defendant was acting by and through Grady Eugene Allen or his agent or employee of the said Grady Eugene Allen.
8. That Count Two of said Complaint does not allege that such agent was acting within the line and scope of his employment as such.

9. That Count Two of said Complaint does not allege that the Defendants negligently injured the Plaintiff.

10. That Count Two of said Complaint in its allegation "and as a proximate result of said negligence of the agent, servant or employee of the Defendant", does not show which Defendant is referred to as the employer or the employee.

11. That the allegation in Count Three that the Plaintiff was lawfully driving a jeep automobile, is but a conclusion of the pleader.

12. That Count Three of the Complaint fails to allege that the Grady Eugene Allen named therein is the same person as the Grady Eugene Allen who is one of the Defendants in this suit.

13. That Count Three of the Complaint does not allege that Grady Eugene Allen was acting within the line and scope of his employment as such agent.

14. That Court Three of said Complaint does not allege that the Defendants negligently injured the Plaintiff.

15. That the allegation in Count Four of said Complaint that the Plaintiff was lawfully driving a jeep automobile, is but the conclusion of the pleader.

16. That the Allegation in Count Four of the Complaint that one Grady Eugene Allen was the agent, servant or employee of the Defendant Houston Allen, does not show that the said Grady Eugene Allen is the same person as one of the Defendants in this cause.

17. That the allegation that Grady Eugene Allen was acting within the line and scope of his employment, does not allege that he was acting within the line and scope of his employment as such agent.

18. For aught that appears from Count Four of said Complaint the Defendant Houston Allen cannot be charged with the wanton conduct of the driver of the automobile.

19. That it is not alleged that Houston Allen was present in the automobile at the time of the accident and could be charged with the wanton conduct of the driver.

CHASON & STONE

BY: 

Attorneys for Defendants.

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DEMURRER

THOMAS F. CARLTON,

Plaintiff,

vs.

GRADY EUGENE ALLEN and
HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed: April 9th 1953.

Archie R. Rouse
Clerk.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons GRADY EUGENE ALLEN AND HOUSTON ALLEN 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 Thomas F. Carlton.

WITNESS my hand this 21st day of January, 1953.

Alvin J. Wark
Clerk

THOMAS F. CARLTON

PLAINTIFF

VS

GRADY EUGENE ALLEN AND
HOUSTON ALLEN

DEFENDANTS

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

1.

The Plaintiff claims of the Defendant the sum of FIFTEEN HUNDRED (\$1500.00) DOLLARS as damages for that heretofore on to-wit: November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama, and that at said time and place the Defendant acting by and through Grady Eugene Allen, his agent, servant, or employee who was then and there acting within the line and scope of his employment negligently drove an automobile into or against said jeep automobile of the Plaintiff and as a proximate result of the said negligence of Defendant, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment, the said Plaintiff suffered the following damages: the body of his jeep automobile was bent and broken; that the frame of his jeep automobile was bent and broken; that the cross-member thereof was bent and broken; that his left spring hinge was damaged; that his front windshield was broken; the radiator was bent and broken; the gas tank was bent and broken; the left front seat was bent and broken; his jeep automobile was otherwise damaged; the price of his jeep automobile was seriously diminished; 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 jeep automobile for to-wit: thirty days, all to the damage of the Plaintiff as aforesaid.

2.

The Plaintiff claims of the Defendant the sum of FIFTEEN HUNDRED (\$1500.00) DOLLARS as damages for that heretofore on to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59 a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama, that at said time and place the Defendant, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment negligently operated his automobile as to cause it to run into or against the jeep automobile of the Plaintiff and as a proximate result of said negligence the Plaintiff was injured as follows: his ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; 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 FIFTEEN HUNDRED (\$1500.00) DOLLARS as damages for that heretofore on, to-wit, November 1, 1952, the Plaintiff was operating his jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama, that at said time and place the Defendant acting by and through Grady Eugene Allen, his agent or employee who was then and there 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 or collide with 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 body of his jeep automobile was bent and broken; that the frame of his jeep automobile was bent and broken; that the cross-member thereof was bent and broken; that his left spring hinge was damaged; that his front windshield was broken; the radiator was bent and broken; the gas tank was bent and broken; the left front seat was bent and broken; his

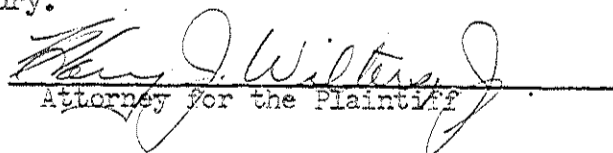
jeep automobile was otherwise damaged; the price of his jeep automobile was seriously diminished; that at the time the Plaintiff was using said automobile in connection with his business, and as a proximate result of the said negligence on the part of the Defendant, the Plaintiff lost the use of his jeep automobile for, to-wit, thirty days, all to the damage of the Plaintiff as aforesaid.

4.

The Plaintiff claims of the Defendant the sum of FIFTEEN HUNDRED (\$1500.00) DOLLARS, as damages for that heretofore, to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama; that at said time and place the Defendant, acting by and through Grady Eugene Allen, his agent, 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 so as to cause it to run into or collide with the said automobile of the Plaintiff and as a proximate result of 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 ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; he was permanently injured; 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

Received in Sheriff's Office
this 27 day of Jan 1953
TAYLOR WILKINS, Sheriff

ORIGINAL

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Received on day of 19

on 9 day of March 1953

Received a copy of the within

service on Houston Allen

TAYLOR WILKINS, Sheriff

By H. F. Hall D. S.

THOMAS F. CARLTON
PLAINTIFF

VS

GRADY EUGENE ALLEN &
HOUSTON ALLEN
DEFENDENTS

SUMMONS & COMPLAINT

Received 14th Day of March 1953
and on 16th Day of March 1953
I served a copy of the within on Grady Eugene Allen
by service on

FILED
JAN 27 1953
JUDGE I. RICH, Clerk

W. H. HOLCOMBE, Sheriff

By: Willie Fortson D.S.

RECEIVED
MAR 14 1953

MOBILE COUNTY, ALA.

AMENDED COMPLAINT

THOMAS F. CARLTON,	¶	
Plaintiff,	¶	IN THE CIRCUIT COURT OF
VS.	¶	BALDWIN COUNTY, ALABAMA.
GRADY EUGENE ALLEN, a minor,	¶	AT LAW
AND HOUSTON ALLEN,	¶	CASE NO. _____.
Defendants.	¶	

Comes now the Plaintiff in the above styled cause and amends his amended Complaint to read as follows:

COUNT ONE: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages for that heretofore on, to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama, that at said time and place the Defendant, Houston Allen, acting by and through Grady Eugene Allen, his agent, servant or employee, who was then and there acting within the line and scope of his employment as such, negligently operated his automobile as to cause it to run into or against the jeep automobile the Plaintiff was driving and as a proximate result of said negligence the Plaintiff was negligently injured as follows: his ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; 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.

COUNT TWO: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS, as damages for that heretofore, to-wit, November 1, 1952, the Plaintiff was operating a jeep automobile along Highway No. 59, a public highway in Baldwin County, Alabama, at approximately three miles North of Bay Minette, in Baldwin County, Alabama; that at said time and place the Defendant, Houston Allen, acting by and through Grady Eugene Allen, his agent, servant or employee who was acting within the line and scope of his employment as such, so negligently operated an automobile which he was driving along said Highway at said time and place so as to cause it to run into or collide with the

automobile the Plaintiff was driving and as a proximate result of said negligence of the agent, servant or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment, as such the Plaintiff was negligently injured as follows: his ribs were broken; he was injured about the body; his chest was injured; he received lacerations about his forehead; he was permanently injured; he was caused to expend monies for drugs and hospital; all to the damage of the Plaintiff.

COUNT THREE: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages, for that heretofore, on, to-wit: November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment as such negligently did run the automobile he was driving into the jeep the Plaintiff was driving and as a direct proximate consequence and result of said negligence the Plaintiff was negligently injured, his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries all to the loss of the Plaintiff in the aforesaid amount.

COUNT FOUR: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages for that heretofore on, to-wit, November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, Alabama, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, and that then and there Grady Eugene Allen, who is the same person as Grady Eugene Allen first named in this suit, the servant, agent or employee of the Defendant, Houston Allen, who is the same person as Houston Allen first named in this suit, while act-

ing within the line and scope of his employment as such, negligently did run the automobile he was driving into the jeep automobile the Plaintiff was driving and as a direct proximate consequence and result of said negligence the Plaintiff was negligently injured, his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries all to the loss of the Plaintiff in the aforesaid amount.

COUNT FIVE: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages, for that heretofore, on, to-wit: November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston, Allen, while acting within the line and scope of his employment as such did wantonly run the automobile he was driving into the jeep the Plaintiff was driving, and as a direct proximate consequence and result of said wanton act the Plaintiff was wantonly injured, his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries all to the loss of the Plaintiff in the aforesaid amount.

COUNT SIX: The Plaintiff claims of the Defendants the sum of THREE THOUSAND (\$3,000.00) DOLLARS as damages, for that heretofore, on, to-wit: November 1, 1952, the Plaintiff was lawfully driving a jeep automobile along and upon a public Highway in Baldwin County, a place where he had a right to be, to-wit: Alabama Highway Numbered 59 about three miles North of the Town of Bay Minette, Alabama, and that then and there Grady Eugene Allen, the servant, agent or employee of the Defendant, Houston Allen, while acting within the line and scope of his employment

as such did wantonly run the automobile he was driving into the jeep the Plaintiff was driving, and as a direct proximate consequence and result of said wanton act the Plaintiff was wantonly injured, his nervous system was greatly shocked and impaired and was permanently shocked and impaired, he was made sick and sore for a long period of time, he suffered bruises, cuts and contusions, his ribs were broken, his physical stamina was impaired and permanently impaired, he was caused to suffer great physical pain and mental anguish. He was put to much trouble, annoyance, inconvenience, and loss of time in an effort to heal and cure his said wounds and injuries all to the loss of the Plaintiff in the aforesaid amount. Plaintiff further avers that the Defendant, Houston Allen, was present in the automobile being driven by his agent, servant or employee, Grady Eugene Allen, at the time of the accident.

WILTERS & BRANTLEY

By:

John M Brantley
Attorneys for Plaintiff

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RECORDED

AMENDED COMPLAINT

THOMAS F. CARLTON,

Plaintiff,

VS.

GRADY EUGENE ALLEN, a minor,
AND HOUSTON ALLEN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1910.

FILED

4-16-53

ALICE L. DUCK, Clerk

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