

MATTHEW DEXTER,

Plaintiff,

-vs-

J. W. STEWART and
ROBERT STEWART, jointly
and severally,

Defendants.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA.

) AT LAW.

) CASE NO. 1920

Plaintiff claims of the Defendants the sum of Two Thousand (\$2,000.00) Dollars as damages in this, that heretofore, on to-wit: the 19th day of May, 1952, the Defendant Robert Stewart, the agent, servant or employee of the Defendant J. W. Stewart, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle eastwardly on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point approximately twenty miles west of Foley, Alabama, as to cause or allow said motor vehicle to collide with or run against the automobile of the Plaintiff which was then being driven in a westwardly direction on said U. S. Highway 90, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged and rendered unfit for use as an automobile and of no further value to the Plaintiff; and the Plaintiff was cut, broken and bruised about the face, head, arms, shoulders, legs and body, and he was permanently disfigured about the eye and his left knee was permanently injured and scarred, and the Plaintiff was required to expend large sums of money in the treatment of his injuries by competent physicians, for hospitalization and medicines, and he was unable to work for a long period of time, all to his injury, hence this suit.

Gordon Spencer
ATTORNEYS FOR PLAINTIFF

Plaintiff respectfully requests that this cause be tried by a jury.

Gordon Spencer
ATTORNEYS FOR PLAINTIFF

served

STATE OF ALABAMA)
BALDWIN COUNTY)

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. W. STEWART to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding same, then and there to answer the complaint of MATTHEW DEXTER.

Witness: Alice J. Duck, Clerk of said Court, this
_____ day of _____, 1953.

Attest: _____
Clerk.

* * * * *

SHERIFF'S RETURN

Received _____ day of _____, 1953, and
on _____ day of _____, 1953, I served a copy
of the within Complaint on _____ by service
on _____.

SHERIFF.

STATE OF ALABAMA)
(
BALDWIN COUNTY)

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ROBERT STEWART to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding same, then and there to answer the complaint of MATTHEW DEXTER.

Witness: Alice J. Duck, Clerk of said Court, this

_____ day of _____, 1953.

Attest: _____ Clerk.

* * * * *

SHERIFF'S RETURN

Received _____ day of _____, 1953, and on _____ day of _____, 1953, I served a copy of the within Complaint on _____ by service on _____.

SHERIFF.

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1920 ----

-----TERM, 19----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J. W. STEWART AND ROBERT STEWART

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

J. W. STEWART AND ROBERT STEWART, Defendant----

by MATTHEW DEXTER

_____, Plaintiff----

Witness my hand this 13th day of February 1953..

W. F. Renick, Clerk

No. 1920

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

MATTHEW DEXTER

RECORDED

Plaintiffs

vs.

J. W. STEWART AND

ROBERT STEWART, jointly and
severally Defendants

SUMMONS and COMPLAINT

Filed 2-13, 19 53

Allice J. French, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Feb. 13, 19 *53*

Walter E. Smith, Sheriff

I have executed this summons *per*
this *2/17*, 19 *53*
by leaving a copy with

J. W. Stewart

*Not found as
to Robert Stewart
in this county*

Walter E. Smith, Sheriff

Edgar L. Stead, Deputy Sheriff

GORDON & JANSEN

ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING

MOBILE II, ALABAMA

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.

OF COUNSEL:
ROBERT E. GORDON
1325 DAUPHIN STREET

February 11, 1953

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

Dear Miss Duck:

We enclose herewith original and two copies of
Summons and Complaint which we wish to file in the
Circuit Court of Baldwin County.

Please acknowledge receipt of these pleadings
and advise us at our expense when the Sheriff has
served each of the defendants.

Very truly yours,

GORDON & JANSEN

BY: 

VRJjr/pjb

Encls.

no 1920 July

Matthew Hepter

vs.

J. W. Stewart &
Robert Stewart

Partners

Filed 2-13-53

Gordon & Jansen

MATTHEW DEXTER,

Plaintiff,

vs.

J. W. STEWART and ROBERT
STEWART, jointly and
severally,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

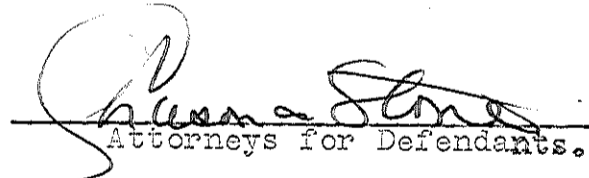
LAW SIDE.

NO. 1920.

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, Robert Stewart, is a minor 18 years of age 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, J. W. Stewart, is unable to properly defend such cause of action.

WHEREFORE, the Defendants pray that this cause of action will be continued until the said Robert Stewart 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.

SUGGESTION OF MILITARY SERVICE

MATTHEW DEXTER,

Plaintiff,

vs.

J. W. STEWART AND ROBERT STEWART
jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1920.

Filed: February 27, 1953.

Archie Neuch
Clerk

MATTHEW DEXTER,

Plaintiff,

vs,

J. W. STEWART and ROBERT
STEWART, jointly and
severally,

Defendants,

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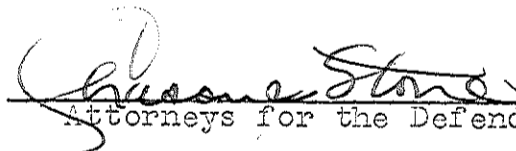
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1920.

Come the Defendants in the above styled cause and demur
to the Complaint filed in said cause, and assigns the following
separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by
the Defendants to the Plaintiff.
3. That said Complaint does not allege that the Plaintiff
was in his automobile at the time of the accident.
4. For aught that appears from the Complaint the Plaintiff
was not present when the accident occurred.
5. That said Complaint does not allege that the Defendants
negligently injured the Plaintiff.
6. That the damage to the automobile belonging to the
Plaintiff was not sufficiently set out.
7. That the time the Plaintiff was unable to work was
not sufficiently set out.


Attorneys for the Defendants.

DEMURRER

MATTHEW DEXTER,

Plaintiff,

vs.

J. W. STEWART AND ROBERT
STEWART, jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1920.

Filed: February 27th, 1953.

Cliff French
Clerk.