PLAINTEE, SOURT, MARKA.

Va.

JAMES GARLAND ENGLISH STRUCKLY BEG 4/2 STATE OF BALSON.

JAMES GARLAND ENGLISH SOURCEST STRUCKLY BEG 4/2 STATE OF BALSON.

JAMES GARLAND ENGLISH STRUCKLY BEG 4/2 STATE OF BALSON.

Defendants.

The Plainiff claims of the Defendants the sum of Typety Five Thousand and NO/100 (\$25,000.00) Dollars as demages, for that beretefore end on to-wit: the 22nd day of June 1953, the Defendent, John Frederick Holland, while acking within the line and scope of his employment as the egent, servent or employee of the Defendents Jemes A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Matributing Company, of Unilas, Texas, did so megligently operate a truck trailer in an Aestvardly direction on U. S. Highway 90, about to-wite one and one-half (17) miles East of Sobertsdale, Baldwin County, Alabama, said road or highway being a public road or highway in the County of Reldein, State of Alabama, on to cause said truck trailer to collide with, run over, upon or against an automobile owned and operated by the Flaintiff, and as a direct and proximate consequence of said regligence of daid lefendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the Defendants Jesus A. Garland and J. P. Collinsworth, individually and d/b/a James Carland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he received acute shock; acute concussion of the brain; contusions of the forehead; continuous of left eye; was caused to lose partial sight in both eyes; was caused to suffer hondaches and discinous; an injury to the left optio nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately pevere; diminished hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, doctor bills and nurses' bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the encunt of One Thousand Three Hundred and MO/100 (\$1,300.00) Ballars and he was caused to lose

the use of said automobile from the date of said accident to the date of the filing of this Hill of Complaint, all as a proximate consequence of the said negligence of the Defendent, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendante, James A. Garland and J. P. Collinsworth, individually and d/b/A James Carland Distributing Company of Dallas, Texas.

COUNT TWO

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendant, John Frederick Holland, while acting within the line and score of this employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Carlend Distributing Company of Dallas, Texas, while driving a truck trailer in an eastwardly direction on a public road or highway commonly known as U. S. Highway 90, said public road or highway being in the County of Baldwin, State of Alabama, at a point to-wit: one and one-half (12) miles East of Robertedale, Baldwin County, Alabama, did wilfully or wantonly drive said truck trailer over, upon or against an automobile then and there owned and operated by the Plaintiff, and as a direct and proximate consequence of said wilful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J.P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he was caused to suffer acute shock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dissiness; an injury to the left oftic nerve; to suffer severe contumions of the entire chest; sprained left ankle, moderately severs; diminished bearing; was made sick and sore and to suffer great physical and mental pain and anguish; to inver great hospital bills, medicine bills, doctor bills and nurses' bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and ours of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 (\$1,300.00) Dellars and he was caused to lose the use of said automobile from the date of said accident to the date of the filing of

this Mil of Complaint, all as a proximate consequence of the said wilful and wenton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the Defendants, James A. Garland and J. P. Collinsworth, Individually and d/b/s James Garland Mistributing Company of Dallas, Texas, hence this out.

Hamel X Severy
Actions for Plaintiff

lefendants' address;

John Frederick Holland 927 Nawcod Avenue Delles, Texas.

James A. Garland and J. P. Collingworth Garland Distributing Company of Dallas, Texas.

MULL: Serve Secretary of State on all three of those men who are non-residents

Flaintiff demands trial by jury



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CICIAL CARREST SALES SE INC

DEC 28 1955 SIEE & OUGH, Short LOUIS W. DOOLEY,

VS.

JOHN FREDERICK HOLLAND, ET AL.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. NO.

This cause coming on to be heard upon the petition of the Defendants herein for an order removing the same to the District Court of the United States for the Southern District of Alabama, Southern Division, in which district and division the County in which said suit is pending is embraced, and it appearing to the Court that the Defendants have filed their petition for such removal in due form and according to law, and that the defendants have filed their bond duly conditioned with good and sufficient surety, as provided by law, and it further appearing to the Court that this is a proper cause for removal to said District Court of the United States for the Southern District of Alabama, Southern Division, and that written notice of said petition and bond was duly given to the Plaintiff, in accordance with the law in said case, prior to the filing of the same, and said bondis accepted and approved;

IT IS, THEREFORE, ORDERED AND ADJUDGED by the Court that this cause be, and the same hereby is removed to the District Court of the United States for the Southern District of Alabama, Southern Division, in which said county is embraced, and the Clerk of this Court is hereby ordered and directed to make up and certify the entirerecord in said cause for transmission to said District Court of the United States for the Southern District of Alabama, Southern Division.

Dated this 22nd day of January, 1954.

Thebert M Have Circuit Judge,

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THE STATE BALDWI	OF ALA	BAMA,	No	CIRCUI	r court	, BALDW	IN COUNT	₹.
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and Jete Collection		violi	and dit		46\$, 3.1 <u>3</u>	1722	THE BOOK	J. W
DALLAS, TEXAS				e.				- .
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to appear and plead,	answer or den	ur, within th	irty days	from the serv	ice hereof,	to the com	plaint filed in	1
the Circuit Court of l	Baldwin Count	y, State of A	labama, a	t Bay Minet	e, against		ussia es Jack Vi	i Že
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THE STATE OF ALABAMA BALDWIN COUNTY		
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vs.	this,19 by leaving a copy with	
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Defendants		
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Plaintiff's Attorney	Sheriff	:
Defendant's Attorney	Deputy Sheriff	:

In the Matter of the Removal to the District Court of the United States for the Southern District of Alabama Southern Division, of the case of:

LOUIS W. DOOLEY,

Plaintiff,

vs.

JOHN FREDERICK HOLLAND, individually, and JAMES A. GARLAND and J. P. COLLINS-WORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY OF DALLAS, TEXAS.

Defendants.

TO: Mrs. Alice J. Duck Clerk of the Circuit Court of Baldwin County Bay Minette, Alabama

Pursuant to the provisions of law in such cases made and provided, there is hereby filed with you a copy of the petition of the defendants, John Frederick Holland, individually, and James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, in the above entitled cause to remove said cause to the United States District Court for the Southern District of Alabama, Southern Division. The said petition, accompanied by a bond with good and sufficient surety, conditioned as is required by law, was on the 19th day of January, 1954, filed in the said United States District Court for the Southern District of Alabama, Southern Division.

Written notice of the filing of said petition and bond has this day been given to the attorney for the plaintiff herein, and you are hereby notified that the filing of a copy of the aforesaid petition with you as Clerk of the Circuit Court of Baldwin County, Alabama, effects the removal of said cause to the said United States District Court.

Dated this 19th day of January, 1954.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

BY:

Attorneys for the Defendants

I, R. F. Adams, hereby certify that on this 19th day of January, 1954, I have served the above notice on Mrs. Alice J. Duck, by mailing a copy addressed to her in Bay Minette, Alabama, postage prepaid.

Wary

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTE ORN DISTRICT OF ALABAMA, SOUTHERN DIVISION

LOUIS W. DOOLEY,

Flaintiff.

vs.

JOHN FREDERICK HULLAND, individually, and JAMES A. GARLAND and J. P. GOLLIFSHORTH, individually and d/b/a JAMES CARLEND DISTRIBUTING COMMANY of DALLAS, TRXAS.

Defendants.

IN THE CIRCUIT COURT OF BALDWIK OCUNTY, ALABAMA AT LAW

PETITION FOR REMOVAL OF CIVIL ACTION FROM THE CIRCUIT CODET OF BALDYIN GODNTY IN THE STATE OF ALABAMA TO THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

TO THE BONORABLE DANIEL H. TROMAS, JUDGE OF SAID DISTRICT COURT OF THE URITED STATES:

Your Petitioners, John Frederick Holland, individually, and James A. Carland and J. V. Collinsworth, individually and d/b/a James Carland Distributing Colpany of Dallas, Texas, Dafendants in the above styled cause, respectfully show:

That a civil action has been brought and is now pending in the Circuit Court of Baldwin County, in the State of Alabama, a State court, wherein Louis &. Dooley is Plaintiff and your Petitioners are Defendants.

LWG

That said action is a civil action of which the District Courts of the United States have original jurisdiction, in that the said action is one to recover damages for personal injuries alleged to have been received in an automobile accident.

THRES

That Petitioners hereby petition to remove said action to this Court upon the ground and for the reason that the above action involves a controversy which is wholly between citizens of different states, in that Louis W. Doolsy, the said Plaintiff, was at the time of commencement of said suit and still is a

Citisen of the State of Louisiana residing at 5621 Royal Street,
New Orleans, Louisiana, and that your Petitioners, John Frederick
Holland, James A. Garland and J. P. Collinsworth, the Defendants
in said suit, were at the time of commencement thereof and still
are citizens of the State of Texas, the address of John Frederick
Holland being 927 Harwood Avenue, Dallas, Texas, and the address of
James A. Garland and James F. Collinsworth being 1132 South Freston
Avenue, Dallas, Texas.

POUR

That the matter in controversy in said action at the time of commencement of said action and at the present time exceeds the sum of value of \$3,000.00, exclusive of interest and costs.

FIVE

That said action was commenced on the 23rd day of December, 1953, and process therein was served on Petitioners through service on the Secretary of State of Alabama on December 29, 1953, a copy of said complaint being sent to Petitioners by registered cail by said Secretary of State on December 29, 1953.

SIX

Your Patitioners herewith present a good and sufficient bond as provided by the statute, conditioned that your Patitioners, the Defendants, will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

WHEREFORE, Petitioners pray that the said action may be removed from said State Court into this Court for trial and determination; that this Court accept said bond and make and enter an order of removal of said action.

JOHN FREDERICK HOLLAND, individually, and JAMES A. GARLAND and J. P. COLLINSWORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY OF DALLAS TERAS

Petitioners
McCORVAY, MANUEL REGIONAL & ADAMS
BY:
As their Attorner

State of Alabama Mobile County

R. F. Adams, being duly sworn, says that he is one of the attorneys for the Petitioners in the above petition, that he has read the foregoing petition, and that he is informed and believes that the allegations therein are true and correct, and on such is formation and belief he avers them to be true and correct.

No ale

Sworn to and subscribed before secon this the May of January, 1954.

Motary Public, Mobile County, Alabaga

STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

Montgomery 4, Alabama
December 29, 1953

NECESTERED MAIL
RETURN RECESTE REQUESTED
PELIVER TO APPRESS TO ONLY

James C. Garland, Individually and d/b/a James Garland Distributing Company of Dallas, Texas

You will take notice that on December 29, 1953, the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled Louis W. Dooley, Plaintiff vs. John Frederick Holland, individually, and James A. Carland and J. P. Collinsworth, individually and d/o/a James Carland Listributing Company of Dallas, Texas, Defendants in the Circuit Court of Baldwin County, Alabama, Case No. 2154, 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.

WITH SS IN HAND and the Great Seal of the State of Alabama this the 29th day of December, 1953.

/s/Mrs. Agnes Bassett MiD. AGNES DAGGGTT Secretary of State

encl. 1 copy of summons and complaint

CC - Honorable Maurice A. Powning
Attorney-at-Law
529 First National Sank Building
Robile, Alabama

THE	STATE	QF.	ALABAXA,	
	SALIMI	T. P.	COUNTY	

CIRCUIT COURT, BALDEIN COURTY

NO.

7 40 19 ___

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon JOHN FREDERICA, individually, and JAMES A: GARLAND and J. P. GOLLINSBORTH, individually end d/b/a dAMES GARLAND DESTRIBUTING COMPANY of DALLAS, TEXAS to appear and plead, enswer or demar, within thirty days from the service hereof, to the complaint filed in the Directit Court of Baldwin County, Scale of Alabama at Bay Minette against JOHN FRANKERICK FOLLAND, individually, and JAMES A. GARLAND and J. P. COLLINSBORTE, individually and d/b/a JAMES CARLAND TISTRIBUTIFE COMPANY OF DALLAS, TEXAS, Defendant, by LOUIS V. ROCCERY, Plaintiff.

Witness my band this 23rd day of December, 1953.

/s/ Alice J. Duck,

Clerk

LOUIS W. DOOLEY.

Plaintiff.

vs.

JOHN FREDERICK HOLLAND, individually, and JAMES A. GARLAND and J. P. COLVINSWORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY of DALLAS, TEXAS,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

NO.

RECEIVED
December 29, 1953
SECRETARY OF STATE

COUNT ONE

Sec.

Ì

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and No/100 (\$25,000.00) Dollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, did so negligently operate a truck trailer in an Eastwardly direction on U. S. Highway 90, about to-wit: one and one-half $(1\frac{1}{2})$ miles last of Robertsdale, Baldwin County, Alabama, said road or highway being a public road or highway in the County of Baldwin, State of Alabama, as to cause said truck trailer to collide with, run over, upon or against an automobile owned and operated by the Plaintiff, and as a direct and proximate consequence of said negligence of said Defendant, John Frederick Holland. while acting within the line and scope of his employment as the agent, servant or employee of the Defendants James A. Garland and J. P. Collinsworth, individually and d/o/a James Garland Distributing Company of Dallas, Texas. the Plaintiff was injured and damaged, in that he received acute shock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dizziness; an injury to the left optic nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately severe; diminished hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, doctor bills and nurses' bills; was caused to lose a long period of time from bis employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 (\$1,300.00) Dollars and he was caused to lose the use of said automobile from the date of said accident to the date of the filing of this Bill of Complaint, all

as a proximate consequence of the said negligence of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas.

COUNT TWO

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and No/100 (\$25,000.00) Dollars as damages, for that heretofore and or, towit: the 22nd day of June, 1953, the Defendant, John Frederick Holland, while acting within the line and scope of this employment as the agent, servent or employee of the Defendants, James A. Garland and J. P. Collinsworth individually and d/b/a James Garland Distributing Company of Dallas, Texas, while driving a truck trailer in an eastwardly direction on a public road or highway commonly known as U.S. Highway 90, said public road or highway being in the County of Baldwin, State of Alabama, at a point to-wit: one and one-half (13) miles East of Robertsdale, Baldwin County, Alabama, did wilfully or wantonly drive said truck trailer over, upon or against an automobile then and there owned and operated by the Plaintiff, and as a direct and proximate consequence of said wilful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants. James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he was caused to suffer acute shock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dizziness; an injury to the left optic nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately severe; diminished hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, doctor bills and nurses' bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and No/100 (\$1,300.00) Bollars and he was caused to lose the use of said automobile from the date of said accident

to the date of the filing of this Bill of Complaint, all as a proximate consequence of the said wilful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/o/a James Carland Distributing Company of Dallas, Texas, hence this suit.

/s/ Maurice A. Downing
Attorney for Plaintiff

Defendants' address:

John Frederick Holland 927 Hawood Avenue Dallas, Texas.

James A. Garland and J. P. Collinsworth Garland Distributing Company of Dallas, Texas.

NOTE: Serve Secretary of State on all three of these men who are non-residents

Plaintiff demands trial by jury /s/ M.A. Downing

In the Matter of the Removal to the District Court of the United States for the Southern Fistrict of Alabama, Southern Division, of the case of:

LOUIS N. DOOLSY.

Plaintiff

VS.

JOHN FREDERICK HOLLAND, individually, and JAMES A. GARLAND and J. P. COLLINS-WORTH, individually and d/b/a JAMES CARLAND DISTRIBUTING COMPANY of BALLAS, ŤUZAS,

Defendants.

Mr. Maurice A. Downing Attornoy for Plaintiff First National Bank Building Mobile, Alabama

Please take notice that John Frederick Rolland, individually, and James A. Garland and J. P. Collinsworth, individually and c/b/a James Garland Mistributing Company of Dallas, Texas, the defendants in the above styled cause, have on the 19th day of January, 1964, filed their petition to remove the above entitled action to the United States District Court for the Southern Division of the Southern District of Alabama, a cory of the said petition being attached to this said notice, and that said defendants have on the 19th day of January, 1954, filed in the United States District Court a bond with good and sufficient surety conditioned as is provided by law with respect to said proceedings. You are hereby further notified that a copy of the seid petition is being filed this day with Mrs. Alice J. Buck, Clerk of the Circuit Court of Baldwin County, Alabama, wherein said cause is now pending, which shall effect the removal of said cause from said Court.

This said notice is given to you as attorney for the Plaintiff in compliance with the provisions of Title 28 U.S.C.A., Sec. 1446 (e).

Dated this 19th day of January, 1954.

Recorvat, turner, recers, johnstene et adires

attorneys for Defendants

I, R. F. Adams, hereby certify that on this date I have served the above notice on the Honorable Faurice A. Downing. This the 19th day of January, 1954.

In the Matter of the Removel to the District Court of the United States for the Southern District of Alabama Southern Division, of the case of:

LOUIS W. DOOLLY,

Plaintiff.

vs.

JOHN FREDERICE HOLLAND, individually, and JAMES A. GARLAND and J. F. COLLINS-WORTH, individually and d/b/a JAMES GARLAND DISTRIBUTIES COMPANY OF DALLAS, THAS.

Defendants.

TO: Mrs. Alice J. Duck Clerk of the Circuit Court of Baldwin County Bay Minette, Alabama

Pursuant to the provisions of law in such cases made and provided, there is hereby filed with you a copy of the petition of the defendants, John Frederick Holland, individually, and James A. Carland and J. F. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, in the above entitled cause to remove said cause to the United States District Court for the Southern District of Alabama, Southern Division. The said petition, accompanied by a bond with good and sufficient surety, conditioned as is required by law, was on the 19th day of January, 1954, filed in the said United States District Court for the Southern District of Alabama, Southern Division.

Fritten notice of the filing of said petition and bond has this day been given to the attorney for the plaintiff herein, and you are hereby notified that the filing of a copy of the aforesaid petition with you as Clerk of the Circuit Court of Haldwin County, Alabama, effects the resoval of said cause to the said United States District Court.

Dated this 19th day of January, 1954.

Medoaven, Inhuse Rogers, Johnstone & Admis

Myara

EL:

Attorneys for the Defendants

I, R. F. Adams, hereby certify that on this 19th day of January, 1954, I have served the above notice on Frs. Alice J. Duck, by mailing a copy addressed to her in Bay Einette, Alabama, postage prepaid.

Marca

Filed 1-20-54 Olice Jaluck Clerk

of

Louis W. Docley, Plaintiff

BALDWIN COUNTY, ALABAMA

VS

Case No. 2154

John Frederick Helland, Individually, et als, Defendants

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on December 29, 1953, I sent by registered mail in an envelope addressed as follows:

11 John Frederick Holland 927 Hawood Avenue Dallas, Texas *

"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:

" John Frederick Holland 927 Hawood Avenue Dallas, Texas

You will take notice that on <u>December 29</u>, 195<u>3</u> the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled <u>Louis W. Docley</u>, <u>Plaintiff vs</u> John Frederick Holland, individually, and James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Ballas, Texas,
Defendants in the Circuit Court of Baldwin County,
County, Alabama, Case No. 215h, 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 December , 1953.

> 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 <u>January 4</u>, 1954, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at on January 2 , 1954 . Dallas, Texas

WITNESS MY HAND and the Great Seal of the State of Alabama this the __ January, 1954.

> Baggett Secretary of State

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

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN	COUNTY No. 2154		
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O ANY SHERIFF	OF THE STATE OF ALABAMA:		
ou Are Hereby Com	manded to Summon JOHN FRED STOK HOULAND.	individuall, an	d
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Plaintiff,

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AND STATE

Defendants.

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FILL AT LAW
SECRETARY OF
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ORIGINATION

Defendants.

NO.

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendent, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Carland and J. F. Collinsworth, individually and d/b/s James Carland Distributing Company of Dallas, Texas, did so negligently operate a truck trailer in an Eastwardly direction on U. S. Highway 90, about to-wit: one and one-half (12) miles East of Robertsdale, Baldwin County, Alabama, said road or highway being a public road or highway in the County of Beldwin, State of Alabama, as to cause said truck trailer to collide with, run over, upon or against an automobile owned and operated by the Plaintiff, and as a direct and preximate consequence of said negligence of said Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the perendents, James A. Garland and J. P. Collinsworth, individually and d/b/s James Garland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he received agute shock; agute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dissiness; an injury to the left optic nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately severe; diminished hearing; was made pick and some and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, decior bills and nurses! bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 Dellers (\$1,300.00) and he was caused to lose

the use of said automobile from the date of said accident to the date of the filling of this mill of Complaint, all as a proximate consequence of the said regulations of the Defendant, John Frederick Holland, while acting within the Line and scope of his employment as the event, servant or employee of the Defendants, James A. Garland and J. P. Gollinsworth, individually and d/b/s James Garland Distributing Company of Dallas, Texas, hence this suit.

COUNT 180

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and No/100 (\$25,000.00) Dellars as damages, for that heretofore and on to-wit: the 22nd day of Jume 1953, the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the Defendants, James A. Garland and J. F. Collinsworth, Individually and d/b/s James Garland Mistributing Company of Dallas, Texas, while driving a truck trailer in an eastwardly direction on a public road or highway quantumly known se i. S. Highway 90, said public road or highway being in the County of Reldwin, State of Alabama, at a point to-wit: one and one-half (1) miles Eastof Nobertedale, Soldein County, Alabama, did willfully or went only drive sold truck trailer over, more or against an automobile then ami there owned and operated by the Plaintiff, and as a direct and proximate consequence of the eald willful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and coope of his capleyment as the agent, servant or employee of the Defendents, James A. Gerland and J. F. Collingworth, individually and o/b/a James Carland Distributing Company of Dallas, Texas, the Flaintiff was injured and damaged, in that he was caused to suffer soute shock; soute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and disciness; on injury to the left outle nerve; to suffer severe contusions of the entire chest; aprained left ankle, moderately severe; disinished hearing; was made sick and core and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, declor bills and nurses! bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the smount of One Thousand Three Hundred and NO/100 (\$1,300.00) Dellers and he was caused to less the use of

Bill of Complaint, all as a proximate consequence of the said miliful and wenton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the Defendants, John Braderick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the Defendants, James A. Garland and J. P. Collinsworth, Individually and d/b/a James Carland Distributing Company of Dallas, Texas, hence this suit.

NOL YX FURMA Attorney for Plantiff (

50% First National Book Bldg

Defendants' Address.

John Frederick Holland 927 Hamood Avenue Callas, Texas.

James A. Garland and

J. F. Collingwith

James Farland Distribute 1015: Serve Secretary of State

on all three of these men who are non-residents

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said automobile from the date of said sabinesh to the date of the filling of thisso in completer, all as a proximate compagned of the said willful and want on act on the part of the sefendant, John Frederick Molland, while acting within the little and except of the engineers as the agent, servers or analyses of the defendance. Janua A. Usrland and J. P. Gollinsworth, lighthoughly and Gin's Jesse Garland Matributing capmy of Palles, Texes, hence this sait.

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Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1953)

Act No. 282

199(1

H. 241—Scruggs

AN ACT

Relating to the service of legal process on certain nonresident defendants; amending the Act approved June 23, 1949, entitled "An Act To provide for the service of process in civil suits upon non-residents of the State of Alabama and providing that any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the constitution and laws of this State as to doing business herein shall be deemed to have appointed the Secretary of State, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served; and for other purposes," as amended by an Act approved August 28, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. The Act approved June 23, 1949, entitled "An Act To provide for the service of process in civil suits upon non-residents of the State of Alabama and providing that any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the constitution and laws of this State as to doing business herein shall be deemed to have appointed the Secretary of State, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served; and for other purposes," as amended by an Act approved August 28, 1951, is amended further and shall read as follows:

"Any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the Constitution and laws of this state as to doing business herein, who shall do any business or perform any character of work or service in this state shall, by the doing of such business or the performing of such work, or services, be deemed to have appointed the secretary of state, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served in any action accrued or accruing from the doing of such business, or the performing of such work, or service, or as an incident thereto by any such non-resident, or his, its or their agent, servant or employee. Service of such process shall be made by serving three copies of the process on the said secretary of State, and such service shall be sufficient service upon the said non-resident of the state of Alabama, provided that notice of such service and a copy of the process are forthwith sent by registered mail by the secretary of the state to the efendant at his last known address, which shall be stated in the ffidavit of the plaintiff or complainant hereinafter mentioned, narked "Deliver to Addressee Only" and "Return Receipt Reuested," and provided further that such return receipt shall be eceived by the secretary of state purporting to have been signed y said non-resident, or the secretary of state shall be advised by he postal authority that delivery of said registered mail was efused by said non-resident; and the date on which the secretary of state receives said return receipt, or advice by the postal auhority that delivery of said registered mail was refused, shall be reated and considered as the date of service of process on said on-resident. The secretary of state shall make an affidavit as o the service of said process on him, and as to his mailing a copy of the same and notice of such service to the non-resident, and as o the receipt of said return receipt, or advice of the refusal of aid registered mail, and the respective dates thereof, and shall ttach said affidavit, return receipt, or advice from the postal auhority, to a copy of the process and shall return the same to the lerk or register who issued the same, and all of the same shall be filed in the cause by the clerk or register. The party to a ause filed or pending, or his agent or attorney, desiring to obtain ervice upon a non-resident under the provisions of this section hall make and file in the cause an affidavit stating facts showing hat this section is applicable, and stating the residence and last known post office address of the non-resident, and the clerk or egister of the court in which the action is filed shall attach a copy of the affidavit to the writ of process, and a copy of the affidavit to each copy of the writ or process, and forward the original writ or process and three copies thereof to the sheriff of Montgomery county for service on the secretary of state and it shall be the duty of the sheriff to serve the same on the secretary of state and to make due return of such service. The court in which the cause is pending may order such continuance of the ause as may be necessary to afford the defendant or defendants easonable opportunity to make defense. Any person who was a esident of this state at the time of the doing of business, or perorming work or service in this state, but who is a non-resident at the time of the pendency of a cause involving the doing of said ousiness or performance of said work or service, and any corpoation which was qualified to do business in this state at the time of doing business herein and which is not qualified at the time of he pendency of a cause involving the doing of such business, shall be deemed a non-resident within the meaning of this section, and service of process under such circumstances may be nad as herein provided.

"The secretary of state of the state of Alabama, or his successor in office, may give such non-resident defendant notice of

such service upon the secretary of state of the state of Alabama in lieu of the notice of service hereinabove provided to be given, by registered mail, in the following manner: By causing or having a notice of such service and a copy of the process served upon such non-resident defendant, if found within the state of Alabama, by any officer duly qualified to serve legal process within the state of Alabama, or if such non-resident defendant is found without the state of Alabama, by a sheriff, deputy sheriff, or United States marshal, or deputy United States marshal, or any duly constituted public officer qualified to serve like process in the state of the jurisdiction where such non-resident defendant is found; and the officer's return showing such service and when and where made, which shall be under oath, shall be filed in the office of the clerk or register of the court wherein such action is pending.

"Service of summons when obtained upon any such non-resident as above provided for the service of process herein shall be deemed sufficient service of summons and process to give to any of the courts of this state jurisdiction over the cause of action and over such non-resident defendant, or defendants, and shall warrant and authorize personal judgment against such non-resident defendant, or defendants, in the event that the plaintiff

prevails in the action.

"The Secretary of State shall refuse to receive and file or serve any process, pleading, or paper under this section unless three copies thereof are supplied to the secretary of state and a fee of three dollars is paid to the secretary of state; and no service shall be perfected hereunder unless there is on file in the office of the Secretary of State a certificate or statement under oath by the plaintiff or his attorney that the provisions of this section are applicable to the case."

Section 2. This Act is remedial and shall apply to causes now pending as well as those hereafter filed, but in any cause now pending in which process has been served compliance with the

amendatory provisions of this Act shall not be required.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1953.

Time: 12:37 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 6 day of August, 1953.

R. T. GOODWYN, JR., Clerk of the House. Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1953)

Act No. 314

H. 242—Scruggs

AN ACT

Relating to the service of legal process on certain nonresident defendants; amending the Code of Alabama (1940), Title 7, Sections 192 and 193, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 192 of Title 7, Code of Alabama (1940), as amended, is amended further to read as follows:

"When a foreign corporation has filed an instrument in writing designating one or more agents in this state as provided by this code, process, pleadings or papers issuing against such foreign corporation, other than in equity, may be served upon any agent, so designated; and the certificate of the secretary of state or of the auditor, as the case may be, showing such designation, is evidence of the fact of such agency. In the event such foreign corporation withdraws from this state and ceases to transact business herein, it shall continue to keep and maintain such agent within this state upon whom service of process, pleadings or papers may be made, until the statutes of limitations shall have run against the bringing of action against said corporation. If the agent designated by such foreign corporation shall die, resign, remove from the state, or his authority shall cease from any cause, and no other agent shall be designated by such foreign corporation, or said corporation shall revoke or fail to maintain in effect the authority of its designated agent after its withdrawal from this state and prior to the time when the statutes of limitations would have run against the causes of action so accruing against it, then in that event such corporation shall by a duly executed instrument filed in the office of the secretary of state, constitute and appoint the secretary of state its true and lawful attorney, upon whom all such process, pleadings or papers may be served and therein shall agree that all such process, pleadings or papers which may be served upon its said attorney, shall be of the same force and validity as if served upon the said corporation, and the authority thereof shall continue in force irrevocably until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation.

n the event such corporation shall fail to so constitute and apoint the secretary of state its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and o other such agent shall have been so designated by such cororation for such purpose, then such corporation shall be deemed o have consented to the Secretary of state being its true and awful attorney, upon whom all such process, pleadings or papers nay be served, until the statutes of limitations shall have run gainst the bringing of the action against said corporation, and he same shall be held as due and sufficient service upon such orporation. The secretary of state must immediately transmit y registered mail, return receipt requested, to such foreign cororation at its home office, a copy of such process, pleadings or apers served upon him, retaining the copy of such process, leadings or papers served upon him along with the return reeipt as part of the permanent records of his office. The Secreary of State shall refuse to receive and file or serve any process, leading, or paper under this section unless the same is served y the Sheriff of Montgomery County, Alabama, or a United states Marshal upon the secretary of state and three copies hereof are supplied secretary of state and a fee of three dollars s paid to the secretary of state and no service shall be perfected ereunder unless there is on file in the office of the Secretary of state a certificate or statement under oath by the plaintiff or his ttorney that the provisions of this section are applicable to the ase."

Section 2. Section 193 of Title 7, Code of Alabama (1940), as mended, is amended further to read as follows:

"Wherever a foreign corporation has carried on or transacted usiness in this state without qualifying to do business herein s is provided by the constitution and statutes of this state and here is no other agent and process, pleadings or papers cannot e served on such foreign corporation as is provided in the preeding section, then any legal process, pleadings or papers, other han in equity, concerning causes of action arising out of or as onsequence of acts or business done in this state, may be served pon any agent or servant of such foreign corporation who has hade contracts for the corporation or did the act which constiuted the doing of business in this state; in the event process, leadings or papers, cannot be served on either of the above amed, then such corporation shall by a duly executed instrunent filed in the office of the secretary of state, constitute and ppoint the secretary of state its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and herein shall agree that all such process, pleadings or papers which may be served upon its said attorney, shall be of the same

force and validity as if served upon the said corporation, and the authority thereof shall continue in force irrevocably until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. In the event such corporation shall fail to so constitute and appoint the secretary of state its true and lawful attorney, upon whom all such process, pleadings or papers may be served, and no other such agent shall have been so designated by such corporation for such purpose, then such corporation shall be deemed to have consented to the secretary of state being its true and lawful attornev. upon whom all such process, pleadings or papers may be served, until the statutes of limitations shall have run against the bringing of the action against said corporation, and the same shall be held as due and sufficient service upon such corporation. The secretary of state must immediately transmit by registered mail, return receipt requested, to such foreign corporation at its home office, a copy of such process, pleadings or papers served upon him, retaining the copy of such process, pleadings or papers served upon him along with the return receipt as part of the permanent records of his office. This section, however, shall not be exclusive of any other mode of service of process, pleadings or papers in the cases herein provided for. The Secretary of State shall refuse to receive and file or serve any process, pleading, or paper under this section unless the same are served by the Sheriff of Montgomery County, or a United States Marshal upon the secretary of state and three copies thereof are supplied secretary of state and a fee of three dollars is paid to the secretary of state and no service shall be perfected hereunder unless there is on file in the office of the Secretary of State a certificate or statement under oath by the plaintiff or his attorney that the provisions of this section are applicable to the case."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Section 4. This Act is remedial and shall apply to causes now pending as well as those hereafter filed, but in any cause now pending in which process has been served compliance with the amendatory provisions of this Act shall not be required.

Approved August 6, 1953.

Time: 2:46 P. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 7 day of August, 1953.

R. T. GOODWYN, JR., Clerk of the House.



STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

MONTGOMERY 4. ALABAMA
January 5, 1954

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

Re: Louis W. Dooley vs Holland and Gene Parmer vs Holland, et als

My dear Alice:

In connection with the certificates attached covering the above causes, I should like to say I noticed in the copy of your letter to the Honorable Maurice Downing that you referred to service being under provisions of Title 7, Section 192, Code of Alabama 1940. No affidavits, as is required by said statute, were attached to the instruments however and service was perfected by us without mention of said statute. Under the new requirements my notices to defendants and my certificates to the Courts would read that said statute applied, if it were correctly done.

During the latter part of August, last year, I furnished to each Circuit Clerk of the State copies of the Acts by the 1953 Legislature having to do with Legal Process of Service through this office. Not having a listing of the attorneys of the State it was my belief that that a letter to each of the Clerks would prove most helpful to all concerned in that the Clerks, being the first persons contacted by the attorneys filing suits in the Courts, could advise the attorneys of the new enactments and more especially of the new requirements in connection therewith.

I am enclosing another set of Acts 282 and 314 for your future reference in connection with process of service through this office and know that I can count on your usual splendid cooperation to the end that attorneys filing suits will submit all instruments required under whatever statute they desire service perfected, before said instruments leave your office.

My very best wishes to you for continued success and happiness in this New Year, I am

Encs.

cc: Hon. Maurice A Downing, Attorney 529 First National Bank Building Mobile, Alabama Sincerely yours,

Secretary of State

Louis W. Dooley, Plaintiff

of BALDWIN COUNTY, ALABAMA

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Case No. 2154

John Frederick Holland, and James A. Garland, et als, defendants

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on <u>December 29</u> 1953, I sent by registered mail in an envelope addressed as follows:

" J. P. Collinsworth , individually and d/b/a James Garland Distributing Company of Dallas, Texas"

"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:

J.P.Collinsworth, Individually and d/b/a James Garland Distributing Company of Dallas, Texas

You will take notice that on <u>December 29</u>, 1953 the Sheriff of Montgomery County, Alabama served upon me, incres of Delay capacity of summons and complaint in a case entitled /John Frederick Holland, individually, and James A. Garland and J.P.Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas

Defendants in the Circuit Court of Baldwin

County, Alabama, Case No. 2154, 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 day of <u>December</u>, 1953.

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 January 7, 1954, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Dallas, Texas on January 5, 1954.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 7 day of January, 195 h.

Mrs. Agnes Baggett
Secretary of State

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

Witness my hand this ______

THE STATE OF ALABAMA, CIRCUIT COURT, BALDWIN COUNTY BALDWIN COUNTY No. 2154. TO ANY SHERIFF OF THE STATE OF ALABAMA: You are Hereby Commanded to Summon JGHN FREDERICK HOLLAND, individually, and J.P. COLLINSWORTH, 1 dividually and d/b/a jastel Garland JAMES A. GARLAND BISTRIPHTING COUPLING OF DALLAS, TEXAS 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 JOHN FREDERICK HOLLAND INDIVIDUAL GARLAND DISTRIPHTICS GOWNARD OF DALLAS, TEXAS , individually and d//a JAMES A. GARLAND OF DALLAS, TEXAS , Defendant....

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TO ANY SHERIFF OF THE STATE OF ALABAMA:

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<u>RLAND DISTRIBUT</u> XAS	TYG COMPANY OF DALL Defendants	as —						
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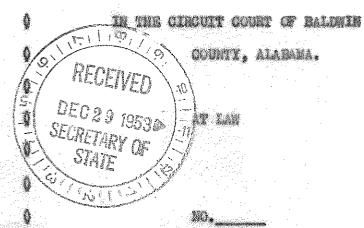
LOUIS V. LOUISY,

Plaintiff,

vs.

JOHN FREDERICK HOLLAND, Individually, and JAMES A. GARLAND and J. P. COLLINSWORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY of DALLAS, TELAS,

Defendents.



The Plaintiff claims of the Defondance the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Tallars as desages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendent, John Frederick Holland, while acting within the line and scope of his employment so the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Matributing Company of Dallas, Texas, did so megligently operate a truck trailer in an Sastwardly direction on V. S. Highway 90, about to-wit: one and one-half (12) miles hast of Robertsdale, Reldwin County, Alabama, said road or highway being a public road or highway in the County of Baldwin, State of Alabama, as to cause said truck trailer to collide with, run over, upon or against an automobile camed and operated by the Flaintiff, and as a direct and proximate consequence of said negligance of asid Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servent or employee of the perendents, James A. Gerland and J. P. Collinsworth, individually and d/b/a James Carland Distributing Company of Dallas, Texas, the Flaintiff was injured and demaged, in that he received acute check; agute concussion of the brain; contusions of the forehead; contumions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headquies and dissiness; an injury to the left optic nerve; to suffer severe contumions of the entire chest; sprained left ankle, moderately severe; diminished bearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, madicine bills, doctor bills and nurses! Mills; was caused to less a long period of time from his employment and to expend great sums of money for the core and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 Dollars (\$1,300.00) and he was caused to lose

the use of said automobile from the date of said accident to the date of the filling of this pill of Complaint, all as a proximate consequence of the said negligence of the Defendant, John Frederick Holland, while acting within the line and ecope of his employment as the agent, servent or employee of the Defendants, James A. Garland and J. F. Collinsworth, individually and d/b/a James Carland Distributing Company of Dallan, Texas, hence this suit.

The Plaintiff claims of the Defendants the out of Twesty Five Thousand and NO/100 (\$25,000.00) bollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendant, John Frederick Holland, while acting within the line and ecops of his employment as the agent, servant or employee of the Defendants, James A. Carland and J. P. Collinsworth, individually and d/b/a James Carland Matributing Company of Dallas, Texas, while driving a truck trailor in an eastwardly direction on a public road or highway commonly known as U. S. Highway 90, said public road or highway being in the County of Beldwin, State of Alabama, at a point to-wit: one and one-half (1) miles Eastof Robertsdale, Daldwin County, Alabama, did willfully or wentonly drive said truck trailer over, upon or against an automobile then and there owned and operated by the Flaintiff, and as a direct and proximate consequence of the said willful and wanton act on the part of the perendant, John Frederick Holland, while acting within the line and scope of his exployment as the agent, servent or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Carland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he was caused to suffer scute chock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial eight in both eyes; was caused to suffer headaches and dissinces; an injury to the left optic merro; to suffer severe contucions of the outire chest; sprained last ankle, anderstely severe; distribbed hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, moster bills and norses! bills; was caused to love a long period of time from his amployment and to expend great sums of somey for the care and ours of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 (\$1,300.00) Dollars and he was caused to lose the use of

said automobile from the date of said aucident to the date of the filing of this Bill of Complaint, all as a prominete consequence of the said willful and worken aut on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants: James A. Gerland and J. P. Gollinsworth, incluidually and d/b/a James Garland Metributing company of Dallas, Texas, hemse this suit.

imfondanist Address:

John Frederick Holland 927 Banopi Jyonue Calles, Texas.

James A. Garland and J. F. Collinsworth

sallas, texas

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who are non-residents

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THE STREET

LOUIS W. DOOLEY,	٥	IN THE CIRCUIT COURT OF BALDWIN
Plaintiff,	٥	COUNTY, ALABAMA.
Vs.	٥	
JOHN FREDERICK HOLLAND, individually,	ğ	AT LAW
and JAMES A. GARLAND and J. P. COLLINSWORTH, individually and d/b/a	Ö.	
JAMES GARLAND DISTRIBUTING COMPANY of DALLAS, TEXAS,	Q	
Defendants.	٥	NO.

COUNT ONE

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, did so negligently operate a truck trailer in an Eastwardly direction on U. S. Highway 90, about to-wit: one and one-half (12) miles East of Robertsdale, Baldwin County, Alabama, said road or highway being a public road or highway in the County of Baldwin, State of Alabama, as to cause said truck trailer to collide with, run over, upon or against an automobile owned and operated by the Plaintiff, and as a direct and proximate consequence of said negligence of said Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he received acute shock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dizziness; an injury to the left optic nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately severe; diminished hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, doctor bills and nurses! bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 Dollars (\$1,300.00) and he was caused to lose

the use of said automobile from the date of said accident to the date of the filing of this Bill of Complaint, all as a proximate consequence of the said negligence of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendants the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars as damages, for that heretofore and on to-wit: the 22nd day of June 1953, the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, while driving a truck trailer in an eastwardly direction on a public road or highway commonly known as U. S. Highway 90, said public road or highway being in the County of Baldwin, State of Alabama, at a point to-wit: one and one-half (12) miles East of Robertsdale, Baldwin County, Alabama, did willfully or wantonly drive said truck trailer over, upon or against an automobile then and there owned and operated by the Plaintiff, and as a direct and proximate consequence of the said willful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, the Plaintiff was injured and damaged, in that he was caused to suffer acute shock; acute concussion of the brain; contusions of the forehead; contusions of left eye; was caused to lose partial sight in both eyes; was caused to suffer headaches and dizziness; an injury to the left optic nerve; to suffer severe contusions of the entire chest; sprained left ankle, moderately severe; diminished hearing; was made sick and sore and to suffer great physical and mental pain and anguish; to incur great hospital bills, medicine bills, doctor bills and nurses! bills; was caused to lose a long period of time from his employment and to expend great sums of money for the care and cure of said above injuries; his automobile was bent, broken, damaged and otherwise destroyed in the amount of One Thousand Three Hundred and NO/100 (\$1,300.00) Dollars and he was caused to lose the use of

said automobile from the date of said accident to the date of the filing of this Bill of Complaint, all as a proximate consequence of the said willful and wanton act on the part of the Defendant, John Frederick Holland, while acting within the line and scope of his employment as the agent, servant or employee of the Defendants, James A. Garland and J. P. Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas, hence this suit.

504 First Mationa Molile, alu.

Defendants' Address:

John Frederick Holland 927 Hawood Avenue Dallas, Texas.

James A. Garland and

J. P. Collinsworth Dallas, Texas farland Sistiluting Co.

NOTE: Serve Secretary of State on all three of these men who are non-residents

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THE STATE OF ALABAMA, CIRCUIT COURT, BALDWIN COUNTY BALDWIN COUNTY No. 2154 TERM, 19.... TO ANY SHERIFF OF THE STATE OF ALABAMA: You Are Hereby Commanded to Summon JOHN FREDERICK HOLLAND, individually, and JAMES A. GARLAND and J.P. COLLINSWORTH, individually and d/b/a JAMES GARLAND JAMES GARLAND DISTRIBUTING COMPANY OF DALLAS, TEXAS 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 JOHN FREDERICK HOLLAND individually, and JAMES A. GARLAND AND J.P. COLLINSWORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY OF DALLAS, TEXAS , Defendant.... LOUIS W. DOOLEY Plaintiff____ December Witness my hand this.

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	RECFIVED IN OFFICE
No. 2154 Page	Defendant lives at
THE STATE OF ALABAMA BALDWIN COUNTY	DEC 29 1953
CIRCUIT COURT	RECEINEDOFFE SELLE
LOUIS W. DOOLEY	1228, 1953
	My for William, Sheri
Plaintiffs	I have executed this summons
	this,1953. by leaving Pcopy with
WORTH, individually and d/b/a JAMES GARLAND DISTRIBUTING COMPANY OF DALLAS	aguar Raggett
TEXAS Defendants	In Ley of State
SUMMONSandCOMPLAINT	
Filed 23 December ,19 53	
ALICE J. DUCK , Clerk	
	•
Plaintiff's Attorney	& 9 Mosley Sheri
Defendant's Attorney	Harry Deputy Sheri

Louis W. Dooley, Plaintiff

VS

John Frederick Holland, James A. Garland, et als, Defendants

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on December 29, 1953, I sent by registered mail in an envelope addressed as follows:

James A. Garland, Individually and d/b/a James Garland Distributing Company of Dallas, Texas "

"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:

" James A. Garland, Individually and d/b/a James Garland Distributing Company of Dallas, Texas

You will take notice that on <u>December 29</u>, 195<u>3</u> the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled Louis W. Dooley, Plaintiff vs John Frederick Holland, individually, and James A Garland and J.P.Collinsworth, individually and d/b/a James Garland Distributing Company of Dallas, Texas Defendants in the Circuit Court of Baldwin

County, Alabama, Case No. 215k, 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 **December**, 1953.

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 <u>January 6</u>, 1954, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Dallas, Texas on <u>January 4</u>, 1954.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day of January, 1954.

Mrs. Agnes Baggett Secretary of State

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

Jopes agnes Baggetto

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Louis W. Dooley vs James A. Garland individually and debra James Garland Distributing Co. RETURN RECEIPT

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REGISTERED ARTICLE	MONTGOMERY, ALABAMA,

Louis W. Doeley vs John Frederick Holland Form 2511 Rev. 1-52 RETURN RECEIPT

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Form 3811 Roy, 1-52	vs J.P.Collinsworth, individually and d/b/a/ James Garland Distributing Company RETURN RECEIPT
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No	ALABAMA

Form 3811 Roy, 1-52	vs J.P.Collinsworth, individually and d/b/a/ James Garland Distributing Company RETURN RECEIPT
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1 4	(Allers Stoff) (Signature or name of addressee)
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