

STATE OF ALABAMA, 0  
COUNTY OF BALDWIN. 0

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon P.E. HEARNE and DONALD LAWRENCE MEADS, or DONALD LAWRENCE MEADE, individually, and as partners, doing business as H & M TRUCK LINES, 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 MORGAN S. LITTLE, a Minor, suing by CLYDE LITTLE, as Next Friend.

Witness my hand this 20th day of April, 1954.

*Reid J. ...*  
CLERK.

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COMPLAINT.

MORGAN S. LITTLE, A MINOR, SUING  
BY CLYDE LITTLE, AS NEXT FRIEND,  
Plaintiff,  
VS.  
P. E. HEARNE AND DONALD LAWRENCE  
MEADS, OR DONALD LAWRENCE MEADE,  
Individually, and as partners,  
doing business as H & M. TRUCK  
LINES,  
Defendants.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.  
NO. \_\_\_\_\_

COUNT ONE.

The plaintiff claims of the defendants the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages, for that, heretofore, on to-wit: March 5, 1954, at about 10:30 P. M., the plaintiff was operating an automobile on a public highway, viz: U. S. Highway No. 31 and 90, in Baldwin County, Alabama, at a point on the West End of Blakely River Bridge, about 6.3 miles east of Mobile, Alabama, where he had a right to be, and the defendant, DONALD LAWRENCE MEADS or DONALD LAWRENCE MEADE, an agent, servant, or employee of the defendants P. E. HEARNE AND DONALD LAWRENCE MEADS or DONALD LAWRENCE MEADE, doing business as H. & M. TRUCK LINES, who was then and there acting within the line and scope of his employment as such agent, servant, or employee,

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so negligently operated an automotive truck then and there, as to cause said automotive truck he was operating to run over, upon or against the automobile which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof he suffered serious and permanent injuries to his face, head, limbs and body; he suffered multiple cuts, bruises, abrasions and lacerations about his face, head, limbs and body; he was made sick, sore, lame and disordered; he was caused to suffer great and permanent mental and physical anguish; he was caused to suffer a concussion of the brain; his nose was broken and permanently injured; both cheek bones were shattered and smashed and permanently injured; one tooth was knocked out and three others were broken; both jaw bones were broken and permanently injured; his ribs were sprained and bruised and permanently injured; his left knee cap was broken and shattered and permanently injured; his left thigh bone was broken and permanently injured; both of his ankles were bruised and sprained and permanently injured; he was caused to lose much time from his work and suffered great financial loss as a result thereof; his earning capacity was permanently impaired; and plaintiff was caused to spend large sums of money for doctors' bills, and hospital bills, and nurses' bills, and for medical attention and medical supplies in and about the treatment of the injuries which plaintiff received, all to the damage of the plaintiff as aforesaid. And plaintiff avers that all of his damages were proximately caused by the said negligence of the defendant, DONALD LAWRENCE MEADS, OR DONALD LAWRENCE MEADE, an agent, servant or employee of the defendants, P. E. HEARNE and DONALD LAWRENCE MEADS, or DONALD LAWRENCE MEADE, doing business as H. & M. TRUCK LINES, while acting within the line and scope of his employment as such agent, servant or employee, in and about the negligent operation of said automotive truck at the time and place and on the occasion aforesaid; wherefore he sues.

Julian J. Mashburn  
Attorney for Plaintiff.

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

Julian J. Mashburn

Morgan S. Little, A Minor, suing by  
Clyde Little as Next Friend, Plaintiff

vs

P. E. Hearne, Et Als, Defendants

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA

AT Law No. 2236

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Agnes Baggett, Secretary of State, hereby certify that on April  
21, 1954, I sent by registered mail in an envelope addressed as follows:

" P. E. Hearne  
Individually and as a Partner of  
H. & M. Truck Lines  
1517 Bessie Street  
Fort Worth, 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:

" P. E. Hearne  
Individually and as a Partner of  
H. & M. Truck Lines  
1517 Bessie Street  
Ft. Worth, Texas

You will take notice that on April 21, 1954 the Sheriff of  
Montgomery County, Alabama served upon me, in my official capacity,  
summons and complaint in a case entitled Morgan S. Little, a Minor, suing  
by Clyde Little, as Next Friend, Plaintiff vs P. E. Hearne, Et Als,

Defendants in the Circuit Court of Baldwin

County, Alabama, Case No. 2236, 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  
21st day of April 1954.

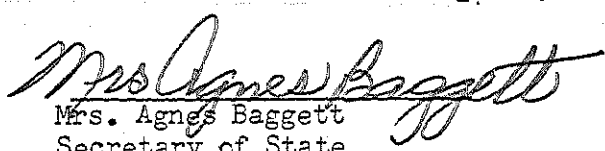
Enclosures - 1

Signed) Mrs. Agnes Baggett  
Mrs. Agnes Baggett  
Secretary of State "

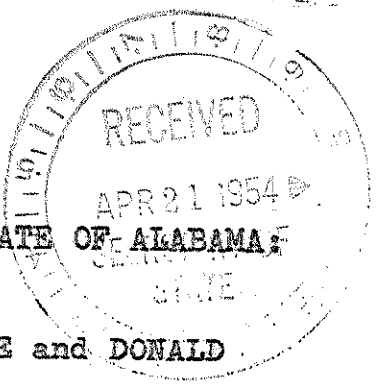
I further certify that the notice above set out which was so mailed in the  
envelope addressed as above set forth had attached to it a true copy of the  
summons and complaint in the above-styled cause.

I further certify that on April 27, 1954, I received the return card,  
showing receipt by the designated addressee of the aforementioned matter, at  
Fort Worth, Texas on April 23, 1954.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27 day  
of April 1954.

  
Mrs. Agnes Baggett  
Secretary of State

Encs. Return card and copy of  
summons and complaint



STATE OF ALABAMA, 0
COUNTY OF BALDWIN. 0

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon P.E. HEARNE and DONALD LAWRENCE MEADS, or DONALD LAWRENCE MEADE, individually, and as partners, doing business as H & M TRUCK LINES, 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 MORGAN S. LITTLE, a Minor, suing by CLYDE LITTLE, as Next Friend.

Witness my hand this 20th day of April, 1954.

Handwritten signature of Clerk and printed name C L E R K.

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COMPLAINT.

MORGAN S. LITTLE, A MINOR, SUING
BY CLYDE LITTLE, AS NEXT FRIEND,
Plaintiff,
VS.
P. E. HEARNE AND DONALD LAWRENCE MEADS, OR DONALD LAWRENCE MEADE, Individually, and as partners, doing business as H & M. TRUCK LINES, Defendants.

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IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. NO.

COUNT ONE.

The plaintiff claims of the defendants the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages, for that, heretofore, on to-wit: March 5, 1954, at about 10:30 P. M., the plaintiff was operating an automobile on a public highway, viz: U. S. Highway No. 31 and 90, in Baldwin County, Alabama, at a point on the West End of Blakely River Bridge, about 6.3 miles east of Mobile, Alabama, where he had a right to be, and the defendant, DONALD LAWRENCE MEADS or DONALD LAWRENCE MEADE, an agent, servant, or employee of the defendants P. E. HEARNE AND DONALD LAWRENCE MEADS or DONALD LAWRENCE MEADE, doing business as H. & M. TRUCK LINES, who was then and there acting within the line and scope of his employment as such agent, servant, or employee,

so negligently operated an automotive truck then and there, as to cause said automotive truck he was operating to run over, upon or against the automobile which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof he suffered serious and permanent injuries to his face, head, limbs and body; he suffered multiple cuts, bruises, abrasions and lacerations about his face, head, limbs and body; he was made sick, sore, lame and disordered; he was caused to suffer great and permanent mental and physical anguish; he was caused to suffer a concussion of the brain; his nose was broken and permanently injured; both cheek bones were shattered and smashed and permanently injured; one tooth was knocked out and three others were broken; both jaw bones were broken and permanently injured; his ribs were sprained and bruised and permanently injured; his left knee cap was broken and shattered and permanently injured; his left thigh bone was broken and permanently injured; both of his ankles were bruised and sprained and permanently injured; he was caused to lose much time from his work and suffered great financial loss as a result thereof; his earning capacity was permanently impaired; and plaintiff was caused to spend large sums of money for doctors' bills, and hospital bills, and nurses' bills, and for medical attention and medical supplies in and about the treatment of the injuries which plaintiff received, all to the damage of the plaintiff as aforesaid. And plaintiff avers that all of his damages were proximately caused by the said negligence of the defendant, DONALD LAWRENCE MEADS, OR DONALD LAWRENCE MEADE, an agent, servant or employee of the defendants, P. E. HEARNE and DONALD LAWRENCE MEADS, or DONALD LAWRENCE MEADE, doing business as H. & M. TRUCK LINES, while acting within the line and scope of his employment as such agent, servant or employee, in and about the negligent operation of said automotive truck at the time and place and on the occasion aforesaid; wherefore he sues.

Julian J. Madbury Jr.  
Attorney for Plaintiff.

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

Julian J. Madbury Jr.

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STATE OF ALABAMA, 0  
COUNTY OF BALDWIN. 0 TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon P. E. HEARNE and DONALD LAWRENCE MEADS, or DONALD LAWRENCE MEADE, individually, and as partners, doing business as H & M TRUCK LINES, 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 MORGAN S. LITTLE, a Minor, suing by CLYDE LITTLE, as Next Friend.

Witness my hand this 20th day of April, 1954.

*[Signature]*  
CLERK.

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C O M P L A I N T.

MORGAN S. LITTLE, A MINOR, SUING  
BY CLYDE LITTLE, AS NEXT FRIEND,  
Plaintiff,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

VS.

AT LAW.

P. E. HEARNE AND DONALD LAWRENCE  
MEADS, OR DONALD LAWRENCE MEADE,  
Individually, and as partners,  
doing business as H & M TRUCK  
LINES,  
Defendants.

NO. \_\_\_\_\_

C O U N T O N E.

The plaintiff claims of the defendants the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages, for that, heretofore, on to-wit: March 5, 1954, at about 10:30 P. M., the plaintiff was operating an automobile on a public highway, viz: U. S. Highway No. 31 and 90, in Baldwin County, Alabama, at a point on the West End of Blakely River Bridge, about 6.3 miles east of Mobile, Alabama, where he had a right to be, and the defendant, DONALD LAWRENCE MEADS or DONALD LAWRENCE MEADE, an agent, servant, or employee of the defendants P. E. HEARNE AND DONALD LAWRENCE MEADS Or DONALD LAWRENCE MEADE, doing business as H & M TRUCK LINES, who was then and there acting within the line and scope of his employment as such agent, servant, or employee, so negligently operated an automotive truck then and there, as to

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:

MORGAN S. LITTLE, A MINOR, SUING  
BY CLYDE LITTLE, AS NEXT FRIEND,

Plaintiff,

vs.

P. E. HEARNE AND DONALD LAWRENCE  
MEADS, OR DONALD LAWRENCE MEADE,  
Individually, and as partners,  
doing business as H. & M. TRUCK LINES,

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, P. E. Hearne and Donald Lawrence Meade, individually, and as partners, doing business as H & M Truck Lines, 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 10<sup>th</sup> day of May, 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 10<sup>th</sup> day of May, 1954.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By: *R. F. Adams*

Attorneys for the Defendants

I, R. F. Adams, hereby certify that on this 10 day of May, 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.

*R. F. Adams*

citizen of the State of Alabama, residing in Bay Minette, Alabama, and that your Petitioners, P. E. Hearne and Donald Lawrence Meade, the Defendants in said suit, were at the time of commencement thereof and still are citizens of the State of Texas, the address of P. E. Hearne being 1517 Bessie Street, Fort Worth, Texas, and the address of Donald Lawrence Meade being 4109 Knox Street, Fort Worth, Texas.

FOUR

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 \$3,000.00, exclusive of interest and costs.

FIVE

That said action was commenced on the 20th day of April, 1954, and process therein was served on Petitioners through service on the Secretary of State of Alabama on April 21, 1954, a copy of said complaint being sent to Petitioners by registered mail by said Secretary of State on April 23, 1954.

SIX

Your Petitioners herewith present a good and sufficient bond as provided by the statute, conditioned that your Petitioners, 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.

P. E. HEARNE and DONALD LAWRENCE MEADE,  
individually, and as partners, doing business  
as H & M TRUCK LINES, Petitioners  
By McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By

  
As their Attorneys



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 information and belief he avers them to be true and correct.

*R. F. Adams*

Sworn to and subscribed before me  
on this the 10<sup>th</sup> day of May, 1954.

*Bruce G. Dush*  
Notary Public, Mobile County, Alabama

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

MORGAN S. LITTLE, A MINOR, SUING  
BY CLYDE LITTLE, AS NEXT FRIEND,  
Plaintiff,  
vs.  
P. E. HEARNE AND DONALD LAWRENCE  
MEADS, OR DONALD LAWRENCE MEADE,  
Individually, and as partners,  
doing business as H & M TRUCK LINES,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.  
NO. \_\_\_\_\_

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

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF SAID DISTRICT COURT  
OF THE UNITED STATES:

Your Petitioners, P. E. Hearne and Donald Lawrence Meade,  
individually, and as partners, doing business as H & M Truck  
Lines, Defendants in the above styled cause, respectfully show:

ONE

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 Morgan S. Little, a minor, suing by  
Clyde Little, as next friend, is Plaintiff and your Petitioners  
are Defendants.

TWO

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.

THREE

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 Morgan S. Little, the said Plaintiff,  
was at the time of commencement of said suit and still is a

cause said automotive truck he was operating to run over, upon or against the automobile which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof he suffered serious and permanent injuries to his face, head, limbs, and body; he suffered multiple cuts, bruises, abrasions and lacerations about his face, head, limbs and body; he was made sick, sore, lame and disordered; he was caused to suffer great and permanent mental and physical anguish; he was caused to suffer a concussion of the brain; his nose was broken and permanently injured; both cheek bones were shattered and smashed and permanently injured; one tooth was knocked out and three others were broken; both jaw bones were broken and permanently injured; his ribs were sprained and bruised and permanently injured; his left knee cap was broken and shattered and permanently injured; his left thigh bone was broken and permanently injured; both of his ankles were bruised and sprained and permanently injured; he was caused to lose much time from his work and suffered great financial loss as a result thereof; his earning capacity was permanently impaired; and plaintiff was caused to spend large sums of money for doctors' bills, and hospital bills, and nurses' bills, and for medical attention and medical supplies in and about the treatment of the injuries which plaintiff received, all to the damage of the plaintiff as aforesaid. And plaintiff avers that all of his damages were proximately caused by the said negligence of the defendant, DONALD LAWRENCE MEADS, OR DONALD LAWRENCE MEADE, an agent, servant or employee of the defendants, P. E. HEARNE AND DONALD LAWRENCE MEADS, OR DONALD LAWRENCE MEADE, doing business as H & M TRUCK LINES, while acting within the line and scope of his employment as such agent, servant, or employee, in and about the negligent operation of said automotive truck at the time and place and on the occasion aforesaid; wherefore he sues.

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 P. E. HEARNE  
 DONALD LAWRENCE MEADS

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